

undivided one-half (1/2) interest to the surface of Surveys 112 and 2366. ABN also owns a beneficial interest in the mineral estate of those two surveys. Both of those real property interests are and will be adversely affected by the Application.

2.2. The Application incorrectly omits ANB as an owner of a significant portion of the real property upon which the proposed landfill is to be located. ANB objects to the use and encumbrance of its real property interests by the facility proposed by the Application.

2.3 Contrary to the representations in the Application and contrary to the Executive Director's Decision, Response to Comment 44, ANB submitted documentation of its ownership interest of the surface of those portions of the land covered by the Application. By the terms of the January 1, 1990, cross-conveyance deed, Rancho Viejo Cattle Company, Ltd. and ANB cross-conveyed to each other interests in five tract of land, including Surveys 2366 and 112 at issue here, so as to vest each with an undivided one-half (1/2) fee simple interest in those lands. A certified copy of that cross-conveyance deed is attached hereto as **Exhibit A**.

2.4 The undivided fee simple interest of ANB in said Surveys 2366 and 112 was confirmed in that certain Stipulation Confirming Surface Ownership, Agreed Boundary Line and Roadway Access dated November 17, 1998 and recorded in Volume 704, Pages 827 et seq. of the Official Records of Webb County, Texas. A certified copy of that Stipulation is attached hereto as **Exhibit B**.

2.5 Attached hereto as **Exhibit C** is the plat of the proposed landfill site with Surveys 2366 and 112 highlighted.

2.6 Contrary to the clear terms of these duly recorded conveyances, the **Application** is materially incorrect and deficient in asserting that Rancho Viejo Waste Management, LLC and/or Carlos Y. Benavides III is/are the sole owner(s) of the lands sought to be permitted for the Proposed Facility. To reaffirm its previous filings in this proceeding, **ANB** objects to the issuance of any permit for or toward the construction and operation of the proposed facility on lands owned (whether in whole or in part) by **ANB**. Not only is the Application materially incomplete on the ownership of the landfill site, but the clear evidence provided by **ANB** shows the Applicant's lack of requisite ownership of that site cannot be remedied.

2.7 The proposed landfill facility sought by the Application would by its nature be exclusive use of all land within the permitted area. The Applicant does not have or own any such right to exclusive use of any portion of Surveys 2366 and 112. By the terms of the January 1, 1990, cross-conveyance deed (Exhibit A hereto), any exclusive use of the lands cross-conveyed by either party, is limited to "hunting and grazing purposes." The use of those Surveys 2366 and 112 for a landfill facility is not hunting or grazing. It would be beyond any property right in those lands that could be claimed by the Applicant.

2.8 Both Survey 2366 and Survey 112 are Mineral Classified Lands originally sold by the State of Texas under the Texas Relinquishment Act. The surface was sold and the State retained the mineral rights. The surface owner acts as the agent for the State in preserving and developing the oil, gas and other minerals. The surface owner and the State each share one-half (1/2) of all proceeds from the oil, gas and other minerals in, on and under said lands. The Applicant and **ANB** are owners of the soil or

surface of those tracts. As such they both have fiduciary duties and obligations with regards to the preservation and/or development of those mineral interests owned by the State of Texas. The cross-conveyance deed for those lands, Exhibit A hereto, is made expressly subject to those mineral interests. Further, pursuant to the terms of the Stipulation attached hereto as Exhibit B, paragraph VIII, that fiduciary duty regarding the mineral rights also applies as between the Applicant and ANB. ANB for itself and as fiduciary for the State of Texas, objects to the issuance of any permit for or toward the construction or operation of the proposed facility, which will thwart or encumber the development of the oil, gas and other minerals under said Mineral Classified Land Surveys.

2.9 The Commission cannot turn a blind eye to the fact that the wrong box was checked in part E of the Application on property ownership. It is fatal error for the Executive Director to rely on that incorrectly checked box and incorrect "Property Owner Affidavit" (which in substance makes no reference to property ownership). As recently held by the Supreme Court, "Private property cannot be imperiled with such nonchalance, via an irrefutable presumption created by checking a certain box Our Constitution demands far more." *Texas Rice Land Partners, Ltd. v. Denbury Green Pipeline-Texas, LLC*, 363 S.W.3d 192, 199 (Tex. 2012). The Executive Director proposes that the Application's material misstatement on property ownership be given an irrefutable presumption of accuracy. As held in *Denbury Green*, that type of presumption in an administrative permitting context is not legal. At the very least, an evidentiary hearing with constitutional due process on that and other issues that could impact ANB's property rights, is required.

2.10 The Commission also cannot ignore the uncontradicted and unambiguous deeds disproving the Applicant's assertion in the Application of property ownership. That material misrepresentation is grounds for denial of this Application. Tex. Health & Safety Code § 361.089(e)(2). At the very least, ownership of the property is a material issue that requires a contested case hearing. See *Application of Williamson County for a Permit Amendment to Expand a Type I Municipal Solid Waste Landfill Facility*, SOAH Docket No. 582-06-3321, TCEQ Docket No. 2005-0337-MSW, Permit No. MSW-1405B (2008).

2.11 To issue any permit for or toward a landfill facility on property owned in whole or in part by ANB without its consent, especially without any due process hearing, would be an unconstitutional regulatory taking by the State of Texas.

2.12 Because of ANB's ownership of land to be permanently occupied and effectively taken by the proposed landfill facility, and the impact on its lands which border on or are in close proximity thereto, due process requires strict proof by competent and admissible substantial evidence of every material issue related to the Application, including but not limited to:

All issues identified in the previous filings by ANB and other entities and persons in this matter, including without limitation, those certain Request for Contested Case Hearing and Supporting Comments filed November 21, 2011 and on July 26, 2012, and the Supplementary Objections and Comments Opposing Application for Municipal Solid Waste Permit filed February 28, 2013, which are incorporated herein by reference.

- The Application does not specifically address flood plain issues which may result in contamination of neighboring tracts by flowing water.
- The Application does not explain the effects of the proposed landfill on area wetlands and/or measures to mitigate damage thereto.

- The Application does not sufficiently address the possible effects of the landfill on ground water and the local aquifer.

3.

ANB requests a contested case hearing on this matter.

Wherefore, ANB Cattle Company, Ltd. respectfully prays that the Commission either deny this Application for the reasons set forth in paragraph 2.10 or order this Application to a contested case hearing and direct the Chief Clerk to refer this Application to the State Office of Administrative Hearings for a full contested case hearing on all issues.

Respectfully submitted,

CARDWELL, HART & BENNETT, LLP

Jeffery L. Hart

State Bar No. 09147300

John A. Cardwell

State Bar No. 03791200

807 Brazos Street, Suite 1001

Austin, Texas 78701

(512) 322-0011

(512) 322-0808 – Fax

Email: jlh.chblaw@sbcglobal.net

Email: cardwell53@earthlink.net

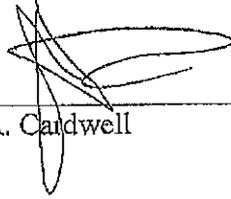
By: _____

John A. Cardwell

**ATTORNEYS FOR ANB Cattle
Company, Ltd.**

CERTIFICATE OF SERVICE

I hereby certify that on this 30 day of July, 2013, a true and correct copy of the foregoing document is being served in accordance with the Commissioner's Rules.



John A. Cardwell

426234

THE STATE OF TEXAS §
COUNTY OF WEBB §

KNOW ALL MEN BY THESE PRESENTS:

That RANCHO VIEJO CATTLE COMPANY, LTD., a Texas Limited Partnership, and ANB CATTLE COMPANY, LTD., a Texas Limited Partnership, each acting herein by and through their respective General Partners, in order to carry out agreements reached within the families of Carlos Y. Benavides, Jr. and Arturo N. Benavides, do hereby cross-convey an undivided one-half interest in the specific surveys hereinafter described and, in order to accomplish same, to the extent necessary, do hereby amend conveyances heretofore made under deeds hereinafter described, so that all lands situated within those particular surveys lying within the Pescadito or Yugo Ranch which are described in attached Exhibit "A" will be owned in fee simple by Rancho Viejo Cattle Company, Ltd., as to an undivided one-half (1/2) interest and by ANB Cattle Company, Ltd., as to an undivided one-half (1/2) interest.

In order to effect and accomplish this cross-conveyance and amendment of previous conveyances, the parties hereto, RANCHO VIEJO CATTLE COMPANY, LTD., a Texas Limited Partnership, for a valuable consideration moving to it, the sufficiency of which is hereby acknowledged, does hereby GRANT, SELL, ASSIGN and CROSS-CONVEY unto ANB CATTLE COMPANY, LTD., an undivided one-half (1/2) interest in any part of each of those five (5) surveys located within the above described Pescadito or Yugo Ranch as more fully described and identified in attached Exhibit "A", the fee title to which now

1417 445

EXHIBIT
A

I, Marga Ramirez Ibarra, County Clerk, Webb County do hereby certify that this is a true and correct copy of the same as it appears of record in my office. Witness my hand and seal of office on

JUL 18 2013



Marga Ramirez Ibarra
Webb County Clerk
By *[Signature]*
Webb County, Texas

appears of record as now owned entirely by Rancho Viejo Cattle Company, Ltd., and for the same consideration, ANB CATTLE COMPANY, LTD., a Texas Limited Partnership, does hereby GRANT, SELL, ASSIGN and CROSS-CONVEY unto RANCHO VIEJO CATTLE COMPANY, LTD., an undivided one-half (1/2) interest in any part of those five (5) surveys located within the said Pascadito or Yugo Ranch, each of which are State Mineral Classified land, as more fully described and identified in attached Exhibit "A", which is incorporated into and made a part hereof for all relevant purposes.

This conveyance is made expressly subject to the rights of the State of Texas in and to each of the above described surveys and to the agreement of the parties that the Limited Partnership which is a co-owner of any portion of any of the said surveys which lies within pasture fences enclosing that portion of the Yugo Ranch occupied by such partnership shall remain in exclusive possession of said lands and shall have the exclusive right to continue to occupy all portions of any of such surveys lying within the fence enclosures of the pasture belonging to the particular Limited Partnership for hunting and grazing purposes in consideration of that partnership paying the ad valorem taxes due on such acreage and that the other limited partnership shall, likewise, have exclusive possession of any portion of any of the said above described five (5) surveys which lie within the outside fence enclosures of the pastures belonging to that particular Limited Partnership for hunting and grazing purposes in consideration of that partnership paying the ad valorem taxes on that portion of

1417 446

I, Marge Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.

Witness my hand and seal of office on

JUL 18 2013



Marge Ramirez Ibarra
Webb County Clerk
Marge Ramirez Ibarra
County Clerk

said five (5) surveys lying within its fence enclosures.

The parties to this cross conveyance affirm that this instrument of cross-conveyance and, to the extent necessary, amendment to previous deeds into the partnership, is in compliance with family agreements heretofore entered into relating to the division of the Pescadito or Yugo Ranch and the parties hereto expressly affirm that this cross-conveyance, and the agreements and recitals herein contained, shall be deemed to effectively amend the following described instruments of conveyance insofar as they relate to lands which form a part of Pescadito or Yugo Ranch, situated in the eastern part of Webb County, Texas, viz:

Deed dated December 28, 1989, executed by Carlos Y. Benavides to Rancho Viejo Cattle Company, Ltd., a Texas Limited Partnership, as now recorded in Volume 1399, pages 268-270 in the Real Property Records of Webb County, Texas.

Deed dated December 28, 1989, executed by Carlos Y. Benavides to ANB Cattle Company, Ltd., a Texas Limited Partnership, as now recorded in Volume 1399, pages 271-273 in the Real Property Records of Webb County, Texas.

Deed dated December 28, 1989, executed by Carlos Y. Benavides, Jr. to Rancho Viejo Cattle Company, Ltd., a Texas Limited Partnership, as now recorded in Volume 1399, pages 265-267 in the Real Property Records of Webb County, Texas.

Deed dated December 28, 1989, executed by Arturo N. Benavides to ANB Cattle Company, Ltd., a Texas Limited Partnership, as now recorded in Volume 1399, pages 262-264 Real Property Records of Webb County, Texas.

and each of the partnerships who are parties to this deed hereby further confirm that each partnership received one-half (1/2) of those mineral rights described under "Fifth" of the above mentioned two deeds from Carlos Benavides, each dated December 28, 1989, as

1417 447

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.

Witness my hand and seal of office on

JUL 18 2013



Margie Ramirez Ibarra
Webb County Clerk
Deputy County Clerk

now of record in Volume 1399, pages 268-270 in the Real Property Records of Webb County, Texas and Volume 1399, pages 271-273 in the Real Property Records of Webb County, Texas, respectively, which mineral rights were subsequently conveyed by the Co-Trustees under the Benavides Family Mineral Trust under Trust Instrument dated March 22, 1990, now bearing Webb County Clerk File No. 424921.

Executed the 6th day of April 1990, but for all purposes to be deemed effective as of 12:01 a.m. January 1, 1990.

RANCHO VIEJO CATTLE COMPANY, LTD.,
A Texas Limited Partnership

By: Carlos Y. Benavides
Carlos Y. Benavides
General Partner

Carlos Y. Benavides, Jr.
Carlos Y. Benavides, Jr.
General Partner

AMB CATTLE COMPANY, LTD.,
A Texas Limited Partnership

By: Carlos Y. Benavides
Carlos Y. Benavides
General Partner

Arturo N. Benavides
Arturo N. Benavides
General Partner

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.
Witness my hand and seal of office on

JUL 18 2013



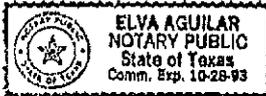
Margie Ramirez Ibarra,
Webb County Clerk
By: Margie Ramirez Ibarra
Deputy County Clerk

1417 448

STATE OF TEXAS §

COUNTY OF WEBB §

This instrument was acknowledged before me on the 6th day of April, 1990 by Carlos Y. Benavides, General Partner, on behalf of Rancho Viejo Cattle Company, Ltd. a Texas Limited Partnership.

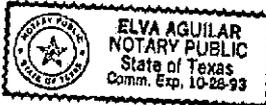


Elva Aguilar
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF WEBB §

This instrument was acknowledged before me on the 10th day of April, 1990 by Carlos Y. Benavides, Jr., General Partner, on behalf of Rancho Viejo Cattle Company, Ltd., a Texas Limited Partnership.

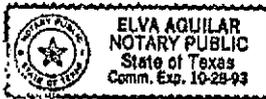


Elva Aguilar
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF WEBB §

This instrument was acknowledged before me on the 6th day of April, 1990 by Carlos Y. Benavides, General Partner, on behalf of ANB Cattle Company, Ltd., a Texas Limited Partnership.



Elva Aguilar
Notary Public, State of Texas

1417 449

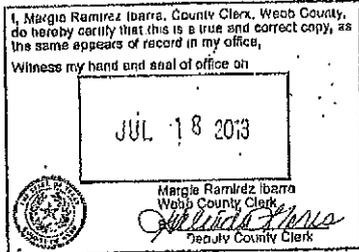
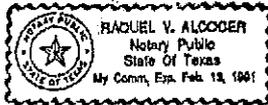
I, Margo Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.
Witness my hand and seal of office on
JUL 18 2013
Margo Ramirez Ibarra
Webb County Clerk
Margo Ramirez Ibarra
Deputy County Clerk

STATE OF TEXAS §

COUNTY OF WEBB §

This instrument was acknowledged before me on the 13th day of April, 1990 by Arturo N. Benavides, General Partner, on behalf of ANB Cattle Company, Ltd., a Texas Limited Partnership.

Raquel V. Alcocer
Notary Public, State of Texas



1417 450

EXHIBIT "A"

FIRST: Survey 112, Certificate No. 1/177, Abstract No. 2835, Original Grantee, J. Poitevent, containing 640 acres, more or less.

SECOND: Survey 1906, Certificate No. 391, Abstract No. 3103, Original Grantee, Texas Trunk, containing 640 acres, more or less.

THIRD: Survey 2366, Abstract No. 3182, Certificate SF 12687, Original Grantee A. R. Villarreal, containing 27.34 acres, more or less.

FOURTH: All of Survey 1604, Certificate 3674, Abstract No. 2787, Original Grantee, Gregorio Rubio, containing 640 acres, more or less.

FIFTH: All of Survey 1994, Certificate No. 90, Abstract No. 2788, Original Grantee, Gregorio Rubio, containing 320 acres, more or less.

FILED 4-18-1970
HENRY FLORES AT 4:53 AM.
COUNTY CLERK, WEEB COUNTY, TEXAS
BY _____ DEPUTY

HENRY FLORES
COUNTY CLERK
FILED
1970 APR 18 PM 4:53
WEEB COUNTY TEXAS
BY *[Signature]* DEPUTY

1417 451

EXHIBIT "A" TO CROSS-CONVEYANCE
RANCHO VIEJO CATTLE COMPANY, LTD. and
ANB CATTLE COMPANY, LTD.

**STIPULATION CONFIRMING
SURFACE OWNERSHIP, AGREED BOUNDARY
LINE AND ROADWAY ACCESS**

STATE OF TEXAS §

COUNTY OF WEBB §

645830

Under Partition Deed executed by Rosa Vela de Benavides, et. al. dated December 9, 1949, now recorded in Volume 306, pages 424-37, Deed Records of Webb County, Texas, (hereinafter referred to as the December 9, 1949 Benavides Family Partition Agreement) the surface estate in and to The Pescadito Ranch containing 16,258 acres, more or less, was set aside to the late Carlos Y. Benavides, Sr. Carlos Y. Benavides, Sr. thereafter acquired other lands located to the West and adjacent to his Pescadito Ranch. Such other lands were subsequently conveyed by Carlos Y. Benavides, Sr. to his sons, Carlos Y. Benavides, Jr., and Arturo N. Benavides. Carlos Y. Benavides, Jr. and Arturo N. Benavides thereafter partitioned the surface estate lands they acquired from their father between themselves. The Partition Deed between Carlos Y. Benavides, Jr. and Arturo N. Benavides is dated February 17, 1987 and is now recorded in Volume 1219, Pages 944-948, Deed Records of Webb County, Texas. Under their February 17, 1987 Partition Deed the mineral and surface estate in the land described in such partition was severed. The surface estate in the northerly half of the lands affected by their February 17, 1987 Partition Deed was set aside in severalty to Arturo N. Benavides and the surface estate in the southerly half of said land was set aside in severalty to Carlos Y. Benavides, Jr.

Thereafter, by two separate conveyances, each dated December 28, 1989 as now recorded in Volume 1399, pages 268-270 and Volume 1399, Pages 271-273, Real Property Records of Webb County, Texas, Carlos Y. Benavides, Sr. contributed all of the surface ownership he then owned in the El Yugo and Rancho Viejo Pastures and one-half of the Ranch Headquarters of the Pescadito Ranch to Rancho Viejo Cattle Company, Ltd. (entire Ranch Headquarters consists of 45,2619 acres, more or less), and contributed all of the surface ownership he then owned in the Lasso Pasture, the Llave Pasture, the Retama Gorda Pasture and the Cuchilla Pasture, located North of Highway 59 and one-half of the Ranch Headquarters of the Pescadito Ranch to ANB Cattle Company, Ltd.. The above referenced December 29, 1989 conveyances by Carlos Y. Benavides, Sr. included other non-related properties as therein described.

By separate instruments, dated December 28, 1989, Carlos Y. Benavides, Jr. contributed all of the surface estate in the lands set aside to him under the February 17, 1987 Partition Deed with his brother to Rancho Viejo Cattle Company, Ltd. and Arturo N. Benavides contributed all of the surface estate in the lands set aside to him in said February 17, 1987 Partition Deed to ANB Cattle Company, Ltd. These conveyances are now of record in Volume 1399, Pages 262-264 and Volume 1399, Pages 265-267, Real Property Records of Webb County, Texas, to which reference is here made for all purposes.

Page 1 of 11

704
827

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.
Witness my hand and seal of office on

JUL 15 2013

Margie Ramirez Ibarra
Webb County Clerk
Margie Ramirez Ibarra
Deputy County Clerk

EXHIBIT

B

Thereafter, by instrument dated April 6, 1990 of record in Volume 1417, pages 445-451, Real Property Records of Webb County, Texas, ANB Cattle Company, Ltd. and Rancho Viejo Cattle Company, Ltd. entered into a Cross-Conveyance Agreement relating to certain State Mineral Classified lands located within the Pescadito Ranch.

The approximate 16,258 acre Pescadito Ranch that was set aside to Carlos Y. Benavides, Sr. under the December 9, 1949 Benavides Family Partition Agreement and the additional lands acquired by the late Carlos Y. Benavides, Sr. located to the West of his 16,258 acre Pescadito Ranch, as later deeded to his sons, have been surveyed and determined to contain a total of 21,920,1407 acres, more or less. Such acreage is depicted as Tract No. 1 consisting of 9726.2984 acres, more or less, and Tract No. 2 consisting of 12, 193.8423 acres, more or less, on a Survey Plat attached hereto as Exhibit A.

Rancho Viejo Cattle Company, Ltd., simultaneous with the execution of this Stipulation Confirming Surface Ownership, Agreed Boundary Line and Roadway Access is conveying to Arturo N. Benavides, Sr., Arturo N. Benavides, Jr., Anna Gloria Benavides Galo and Kirk R. Clovis, in varying proportions, the most northerly 1093.3849 surface acres, more or less, out of the lands contributed by the late Carlos Y. Benavides, Sr. to Rancho Viejo Cattle Company, Ltd. This acreage although conveyed to Rancho Viejo Cattle Company, Ltd. was determined by recent survey to be within the Lassos Pasture, a pasture conveyed by the late C. Y. Benavides, Sr. to ANB Cattle Company, Ltd. Rancho Viejo Cattle Company, Ltd. is making such conveyance in order to more accurately reflect the actual intention of the late Carlos Y. Benavides, Sr. to divide the surface estate in the Pescadito Ranch by pasture and also pursuant to a mediation accord arrived at by the undersigned parties as subsequently amended and confirmed in Cause No. 92-00052 in the County Court at Law No. 1, styled Estate of Carlos Y. Benavides, Sr., Deceased. Also in said conveyance, Rancho Viejo Cattle Company, Ltd. is conveying its right, title and interest in and to the surface estate to the Ranch Headquarters Tract of the Pescadito Ranch consisting of 45.2619 acres, more or less, together with all improvements thereto subject to Rancho Viejo Cattle Company, Ltd. retaining its non-possessory undivided one-half interest in any portion of said Ranch Headquarters Tract located within State Mineral Classified Survey 1906, Abstract 3103, Webb County, Texas, consistent with Section VIII below. Also by simultaneous conveyance herewith, Arturo N. Benavides, Sr., Arturo N. Benavides, Jr., Anna Gloria Benavides Galo and Kirk R. Clovis, are conveying the above referenced 1093.3849 surface acres, more or less, and an undivided one-half interest in and to the above referenced Ranch Headquarters Tract to AKA Properties, Ltd., a Texas Limited Partnership also subject to Rancho Viejo Cattle Company, Ltd.'s above mentioned reservation.

The parties hereto desire to confirm the respective surface ownerships of Rancho Viejo Cattle Company, Ltd., ANB Cattle Company, Ltd. and AKA Properties, Ltd. in the 21,920,1407 acres, more or less, depicted on attached Exhibit A; to establish the Agreed Boundary Line between the respective ranch lands owned and possessed by Rancho Viejo Cattle Company, Ltd. and the ranch lands owned and possessed by ANB Cattle Company, Ltd. and AKA Properties, Ltd.; and to recognize and confirm the permanent non-exclusive rights of ingress and egress along an established

704 828

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.

Witness my hand and seal of office on

JUL 15 2013

Margie Ramirez Ibarra
Webb County Clerk
Deputy County Clerk

forty (40') wide road easement across their respective ranches. Accordingly, it is agreed and stipulated that:

I.

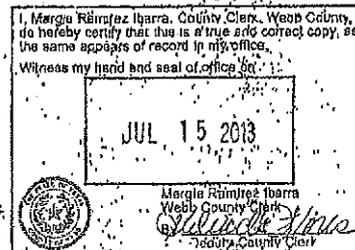
ANB Cattle Company, Ltd. is hereby recognized to be the owner of the surface estate in all of Tract No. 1 containing 9,726.2984 acres, more or less, as depicted in Exhibit A attached hereto and described by metes and bounds in Field Notes attached hereto as Exhibit B, each of which are hereby incorporated into this agreement for all relevant Purposes, Less and Except:

- a) All of the above referenced 1093.3849 surface acres now owned by AKA Properties, Ltd., depicted in Exhibit "D" and described by metes and bounds in Field Notes attached hereto as Exhibit "E";
- b) undivided one-half (1/2) interest in and to the Ranch Headquarters tract consisting of 45.2619 acres of land, more or less, now owned by AKA Properties, Ltd., described by metes and bounds in Field Notes attached hereto as Exhibit "F" subject to Rancho Viejo Cattle Company, Ltd.'s reserved non-possessory interest in any portion of Survey 1906 that is within the Ranch Headquarters Tract as called for in I c) below;
- c) undivided one-half (1/2) interest held by Rancho Viejo Cattle Company, Ltd. in all state mineral classified lands located within said Tract No. 1, being Survey No. 1994, Abstract No. 2788, Survey No. 1604, Abstract No. 2787 and a portion of Survey No. 1906, Abstract No. 3103, subject to Section VIII below; and,
- d) retained right-of-way access by Rancho Viejo Cattle Co., Ltd. and AKA Properties, Ltd., respectively along the designated forty foot (40') roadway easement over said Tract No. 1, as more particularly described in Section V below;

and Rancho Viejo Cattle Company, Ltd. and AKA Properties, Ltd. have RELEASED, RELINQUISHED and QUITCLAIMED and by these presents do RELEASE, RELINQUISH and QUITCLAIM all right, title and interest in and to the surface estate in and to Tract No. 1 containing 9,726.2984 acres, more or less, as depicted in Exhibit A and described by metes and bounds in attached Exhibit B, subject to each of the above stated exceptions and reservation, unto ANB Cattle Company, Ltd., its successors and assigns.

II.

Rancho Viejo Cattle Company, Ltd. is hereby recognized to be the owner of the surface estate in and to Tract No. 2 containing 12,193.8423 acres, more or less, as depicted in attached Exhibit A and described by metes and bounds in Field Notes attached hereto as Exhibit C, Less and Except:



70A 829

- a) undivided one-half (1/2) interest held by ANB Cattle Company, Ltd., in all State Mineral Classified lands located within said Tract No. 2, being Survey No. 2366, Abstract No. 3182 Survey No. 112, Abstract No. 2835 and a portion of Survey No. 1906, Abstract No. 3103, subject to Section VIII below; and,
- b) retained right of access by ANB Cattle Company, Ltd., along the designated forty foot (40') roadway easement over Tract No. 2 as more particularly described in Section VI below;

and ANB Cattle Company, Ltd. and AKA Properties, Ltd. have RELEASED, RELINQUISHED and QUITCLAIMED and by these presents do RELEASE, RELINQUISH and QUITCLAIM all of their right, title and interest in and to the surface estate in and to TRACT No. 2, containing 12,193.8423, acres, more or less, as depicted in attached Exhibit A and described by metes and bounds in attached Exhibit C, subject to each of the above stated exceptions and reservation, unto Rancho Viejo Cattle Company, Ltd., its successors and assigns.

III.

AKA Properties, Ltd. is hereby recognized to be the owner of the surface estate in and to:

- 1) 1093.3849 acres, more or less, depicted in Exhibit "D" and described by metes and bounds on Field Notes attached hereto as Exhibit "E"; and,
- 2) undivided one-half (1/2) interest in and to the Ranch Headquarters tract consisting of 45,2619 acres of land, more or less, as described by metes and bounds in Field Notes attached hereto as Exhibit "F", subject to Rancho Viejo Cattle Company Ltd.'s reserved non-possessory interest in any part of the Ranch Headquarters Tract that is within State Mineral Classified Survey 1906;

both of which tracts of land are within Tract No 1, and ANB Cattle Company, Ltd. and Rancho Viejo Cattle Company, Ltd. have RELEASED, RELINQUISHED AND QUITCLAIMED and by these presents do RELEASE, RELINQUISH AND QUITCLAIM all right, title and interest in and to the surface estate in and to the two (2) above described tracts, subject to the above stated exception affecting the Ranch Headquarters surface rights within State Mineral Classified Survey No. 1906, unto AKA Properties, Ltd., its successors and assigns.

IV.

It is Stipulated and Agreed that the existing fence line, being the survey boundary line separating occupied Tract No. 1 from occupied Tract No. 2 shall constitute the Agreed Boundary Line between said Tract No. 1 and Tract No. 2, the ownership of which have been identified and confirmed in Sections I, II and III above. The Agreed Boundary Line, as currently fenced, shall continue to be the Agreed Boundary Line segregating such respective surface ownerships and it is agreed that such adjoining owners and their respective successors and assigns shall continue to

704 830

I, Mergie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.

Witness my hand and seal of office on

JUL 15 2013

Mergie Ramirez Ibarra
Webb County Clerk
Mergie Ramirez Ibarra
Deputy County Clerk



maintain such division fences in a good state of repair along said Agreed Boundary Line, sharing the cost of all required maintenance equally between adjoining owners.

V.

ANB Cattle Company, Ltd. grants, conveys and confirms in Rancho Viejo Cattle Company, Ltd., the individual members of the Carlos Y. Benavides, Jr. family, and their employees and invitees, a perpetual, non-exclusive roadway easement for ingress and egress along a 40 ft. wide roadway extending from U.S. Highway 59 to an existing cattle guard in the Agreed Boundary Line between Tract No. 1 and Tract No. 2 located South of the Ranch Headquarters Tract for use as a permanent means of ingress and egress from U. S. Highway 59 to Tract No. 2. Such permanent, right of ingress and egress is depicted and described by metes and bounds in the attached Exhibits "G" and "H", respectively, and shall, for all purposes be deemed an appurtenance and a covenant running with the land to Tract No. 2. Furthermore, notwithstanding any language herein contained to the contrary, under no circumstances shall this grant of road easement be construed to include the right for Rancho Viejo Cattle Company, Ltd. and the individual members of the Carlos Y. Benavides, Jr. Family or their successors in interest to any part of Tract No. 2 to assign or allow the use of said 40' road easement by any third party that is not an owner of all or some part of Tract No. 2 for the purpose of using said 40' road easement as a thoroughfare or convenience road for accessing State Highway 359 from U.S. Highway 59 or for other commercial purposes unrelated to the ownership of all or some part of Tract No. 2.

VI.

Rancho Viejo Cattle Company, Ltd. grants, conveys and confirms in ANB Cattle Company, Ltd. and the individual members of the Arturo N. Benavides family, and their employees and invitees, a perpetual, non-exclusive roadway easement for ingress and egress along a 40 ft. wide roadway extending from said existing cattle guard in the Agreed Boundary Line between Tract No. 1 and Tract No. 2 located South of the Ranch Headquarters Tract over and across Tract No. 2 along said designated road to a point of exit at an existing exterior gate in the most southerly East Boundary Line fence for use as a permanent means of ingress and egress from Highway 359 to Tract No. 1. Such permanent, right of ingress and egress is depicted and described by metes and bounds in the attached Exhibits "I" and "J", respectively, and shall for all purposes be deemed an appurtenance and covenant running with the land to Tract No. 1. Furthermore, notwithstanding any language herein contained to the contrary, under no circumstances shall this grant of road easement be construed to include the right for ANB Cattle Company, Ltd. and the individual members of the Arturo N. Benavides, Sr. Family, or their successors in interest to any part of Tract No. 1, to assign or allow the use of said 40' road easement by any third party that is not an owner of all or some part of Tract No. 1 for the purpose of using said 40' road easement as a thoroughfare or convenience road for accessing U.S. Highway 59 from State Highway 359 or for some other commercial purposes unrelated to the ownership of all or some part of Tract No. 1.

I, Marge Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.
Witness my hand and seal of office on

JUL 15 2013

Marge Ramirez Ibarra
Webb County Clerk
Deputy County Clerk

704 831

VII.

The cost of all required construction, maintenance and repair of the above referenced 40' road shall be shared equally between ANB Cattle Company, Ltd. and Rancho Viejo Cattle Company, Ltd, their successors and assigns. The parties hereto further agree that the exit gates shall remain closed and locked except immediately before and immediately after each such separate use unless supervised by a gate guard, and each of said parties shall have the right to place their own lock on said exit gates.

VIII.

Survey Nos. 1994, 1604, 1906, 2366 and 112 as made reference to in Sections Ic and Iia above, are owned in undivided 50% interest each by ANB CATTLE COMPANY, LTD. and RANCHO VIEJO CATTLE COMPANY, LTD, respectively. Such Surveys are State Mineral Classified Lands and are expressly subject to the rights of the State of Texas together with those rights and obligations described in Cross-Conveyance Deed dated April 6, 1990, but effective January 1, 1990, by and between RANCHO VIEJO CATTLE COMPANY, LTD. and ANB CATTLE COMPANY, LTD., recorded in Volume 1417, Page 445 of the Deed Records of Webb County, Texas. In addition to the rights and obligations as stated in such Cross-Conveyance Deed, ANB CATTLE COMPANY, LTD. and RANCHO VIEJO CATTLE COMPANY, LTD., their successors and assigns, to the extent permitted by law, hereby agree and covenant that in addition to sharing the benefits as agents for the State of Texas under any and all oil, gas and other mineral leases, that such sharing (in equal proportions) shall also apply to any and all surface operations including any sand and/or gravel sold or used from the mineral classified lands in connection with such oil, gas and other mineral leases, together with any other receipts and/or benefits received from the exploration, development, production and marketing of such oil, gas or other minerals, including but not limited to all surface damages for the laying and construction of pipelines, roads, drillsites, seismic surveys, production facility sites, and/or any other surface sites or surface use of these surveys in connection with any and all oil, gas and mineral operations. Any proceeds and/or benefits from the sale or use of water out of a mineral classified survey or portion thereof situated within the respective property boundaries of any of the undersigned parties shall not be shared and all of such proceeds and/or benefits shall be entitled by such party. Furthermore, the party not in possession of a State Mineral Classified Tract agrees to fully cooperate (without expense to the non-possessory party) with the party actually in possession in connection with any filings with any regulatory authority incident to plugging of any well being abandoned of oil and gas production so that such well can be plugged by the oil or gas operator so as to permit the completion of a water well at the expense of the party in possession. Furthermore, in connection with the surface use of these lands for oil, gas and/or other mineral operations, the limited partnership who has exclusive possession to such lands shall also have the exclusive right (executive rights) to negotiate and conclude all terms in connection with such surface matters, keeping the interest of the non-executive limited partnership in mind. The standard of conduct of the limited partnership with the exclusive/executive right shall be that of which a fiduciary owes to his beneficiary or principal and shall include the right to account to the non-exclusive/executive right holder immediately upon closing and/or receipt of funds and/or benefits attributable to any

704 832

I, Mergle Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.
Witness my hand and seal of office on
JUL 15 2013
Mergle Ramirez Ibarra
Webb County Clerk
County Clerk, T.

transaction in connection with the above matters. All payments and/or benefits derived in connection with the above transactions shall be made and/or attributed 50% to ANB CATTLE COMPANY, LTD. and 50% to RANCHO VIEJO CATTLE COMPANY, LTD. respectively. All ad valorem taxes due on such mineral interests shall be paid 50% by ANB CATTLE COMPANY, LTD. and 50% by RANCHO VIEJO CATTLE COMPANY, LTD. Provided, however, ANB CATTLE COMPANY, LTD. and AKA PROPERTIES, LTD. shall be responsible for all ad valorem improvements there attributable to the Ranch Headquarters Tract which lies on a portion of Survey 1996.

IX.

This agreement is entered into expressly subject to any and all existing railroad, pipeline, telephone, power, electrical line easements, together with the above described 40' road easement and any other recorded easements, if any, and subsisting. Further, all parties hereto expressly warrant that the mineral estate in the entire lands covered hereby are unaffected by this agreement or any other file and that those claiming an interest in the oil, gas and other minerals in and under the lands are not affected by this agreement.

X.

It is further agreed and understood that in the event existing Highway 59 is ever abandoned in whole or in part, that ANB Cattle Company, Ltd., its successors and assigns shall be entitled to all reversionary rights to the surface of any abandoned highway right-of-way.

XI.

It is further agreed and understood that the sign situated at the main existing gate on U.S. Highway 59 which reads "Benavides & Sons/Yugo Ranch" shall remain as is. However, in the event ANB CATTLE COMPANY, LTD., its successors and assigns shall remove, change the text or the location of such sign, then RANCHO VIEJO CATTLE COMPANY, LTD. shall have the right to place a sign displaying its ranch name and location on ANB CATTLE COMPANY's fence to one side of the main entrance gate. The size and dimensions of such sign shall be comparable to any similar sign on ANB CATTLE COMPANY, LTD., its successors and assigns may place on the opposite side of the main gate. RANCHO VIEJO CATTLE COMPANY, LTD., shall also have the right to place a sign on the road and right-of-way sign comparable to those used by Oil and Gas Operators and on the road easement described in Section Y above. Such sign shall indicate the name and location of RANCHO VIEJO CATTLE COMPANY, LTD.'s ranch lands.

IN WITNESS WHEREOF this Stipulation Confirming Surface Ownership, Agreed Boundary Line and Roadway Access is executed by each of the undersigned on the date reflected

704 833

I, Mergie Ramirez-Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.
Witness my hand and seal of office on

JUL 15 2013



Mergie Ramirez-Ibarra
Webb County Clerk
County Clerk

in the acknowledgment of their respective signature, effective as of the 1st day of November 1998, and shall be binding and enforceable on the undersigned their heirs, successors and assigns.

RANCHO VIEJO CATTLE COMPANY, LTD.

By: Carlos Y. Benavides, Jr.
Carlos Y. Benavides, Jr., its
General Partner

Carlos Y. Benavides, Jr.
Carlos Y. Benavides, Jr.

Carlos Y. Benavides III
Carlos Y. Benavides III

Guillermo David Benavides
Guillermo David Benavides

Linda Cristina Benavides Alexander
Linda Cristina Benavides Alexander

ANB CATTLE COMPANY, LTD.

By: Arturo N. Benavides, Jr.
Arturo N. Benavides, Jr.,
General Partner

By: Anna Gloria Benavides Galo
Anna Gloria Benavides Galo,
General Partner

By: Kirk R. Clovis
Kirk R. Clovis,
General Partner

Arturo N. Benavides Sr.
Arturo N. Benavides, Sr.

Arturo N. Benavides, Jr.
Arturo N. Benavides, Jr.

By: Anna Gloria Benavides Galo
Anna Gloria Benavides Galo

Kirk R. Clovis
Kirk R. Clovis

AKA PROPERTIES, LTD.

By: Arturo N. Benavides, Sr., L.L.C.,
its General Partner

By: Arturo N. Benavides, Jr.
Arturo N. Benavides, Jr., Manager

By: Anna Gloria Benavides Galo
Anna Gloria Benavides Galo,
Manager

704 834

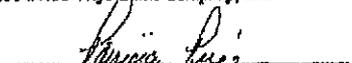
I, Marga Ramirez Ibarra, County Clerk, Webb County,
do hereby certify that this is a true and correct copy, as
the same appears of record in my office.
Witness my hand and seal of office on
JUL 15 2013
Marga Ramirez Ibarra
Webb County Clerk
Webb County, Texas


Kirk R. Clovis, Manager

STATE OF TEXAS §
COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of November, 1998, Carlos Y. Benavides, Jr., individually and as the General Partner of Rancho Viejo Cattle Company, Ltd.


PATRICIA PEREZ
Notary Public
STATE OF TEXAS
Comm. Exp. 07-03-2002


NOTARY PUBLIC, in and for the
State of Texas

STATE OF TEXAS §
COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of Nov., 1998, by Carlos Benavides, III.

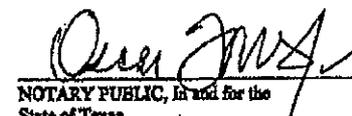

OSCAR TORRES, JR.
Notary Public
State of Texas
My Comm. Exp. 10-10-2000


NOTARY PUBLIC, in and for the
State of Texas

STATE OF TEXAS §
COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of Nov., 1998, by Guillermo David Benavides.


OSCAR TORRES, JR.
Notary Public
State of Texas
My Comm. Exp. 10-10-2000


NOTARY PUBLIC, in and for the
State of Texas

704 835

I, Margo Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy; as the same appears of record in my office.
Witness my hand and seal of office on

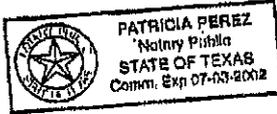
JUL 15 2013


Margo Ramirez Ibarra
Webb County Clerk

STATE OF TEXAS §

COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of Nov., 1998, by Linda Cristina Benavides Alexander.



Patricia Perez
NOTARY PUBLIC, In and for the State of Texas

STATE OF TEXAS §

COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of Nov., 1998, by Arturo N. Benavides, Jr., Individually and as General Partner of ANB CATTLE COMPANY, LTD. and as Manager of ARTURO N. BENAVIDES, SR., L.L.C., General partner of AKA PROPERTIES, LTD.



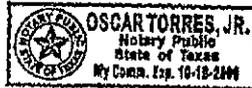
Oscar Torres, Jr.
NOTARY PUBLIC, In and for the State of Texas

704 836

STATE OF TEXAS §

COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of Nov., 1998, by Anna Gloria Benavides Gale, Individually and as General Partner of ANB CATTLE COMPANY, LTD. and as Manager of ARTURO N. BENAVIDES, SR., L.L.C., General partner of AKA PROPERTIES, LTD.



Oscar Torres, Jr.
NOTARY PUBLIC, In and for the State of Texas

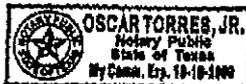
I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.
Witness my hand and seal of office on

JUL 15 2013

 Margie Ramirez Ibarra
Webb County Clerk
Margie Ramirez Ibarra
Webb County Clerk

STATE OF TEXAS §
COUNTY OF WEBB §

This instrument is acknowledged before me on this 17th day of Nov., 1998, by Kirk R. Clovis, individually and as General Partner of ANB CATTLE COMPANY, LTD. and as Manager of ARTURO N. BENAVIDES, SR., L.L.C., General partner of AKA PROPERTIES, LTD.



Oscar Torres, Jr.
NOTARY PUBLIC, in and for the
State of Texas

704 337

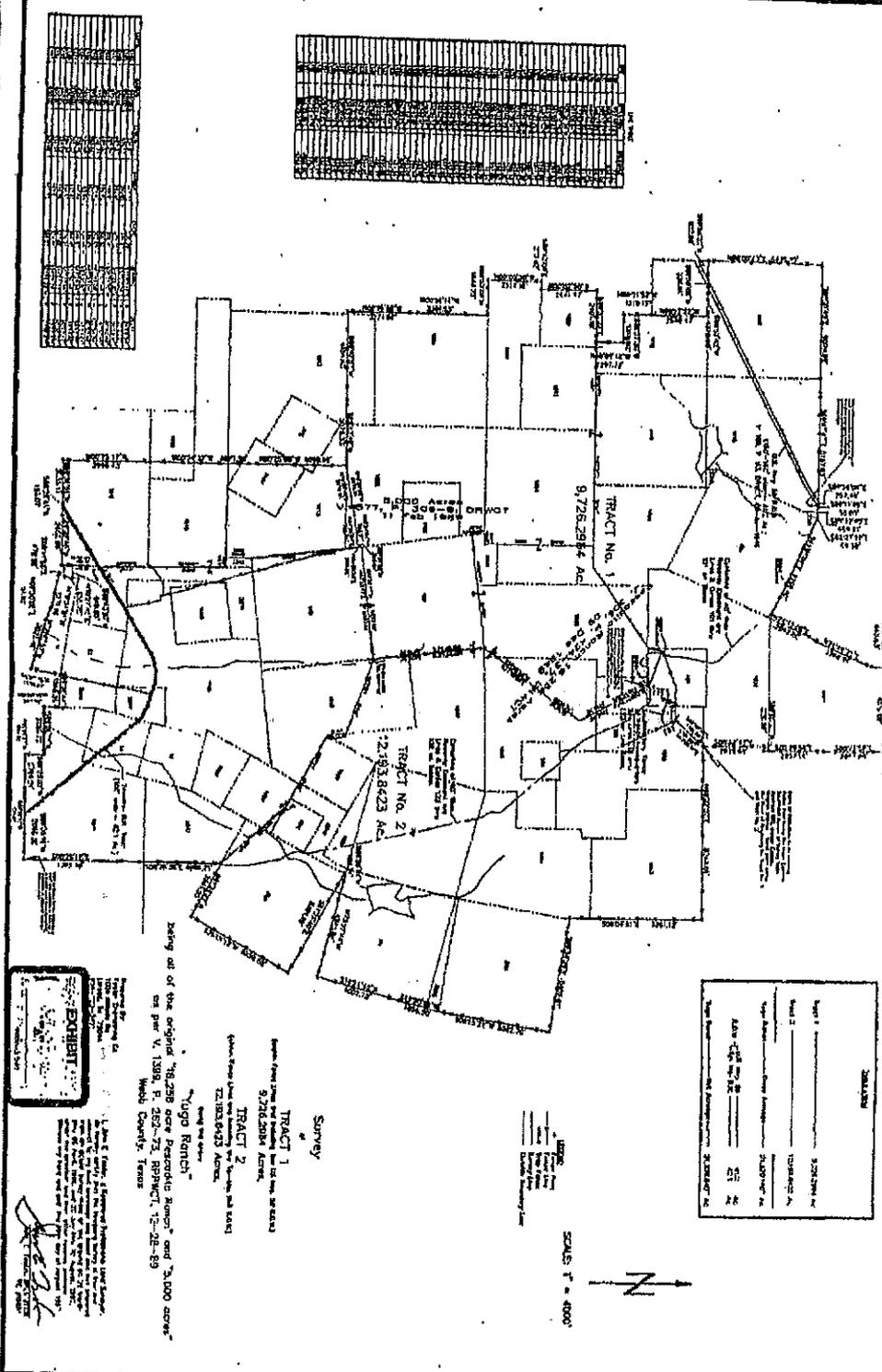
I, Mergla Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.
Witness my hand and seal of office on

JUL 15 2013

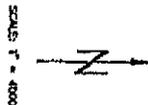
Mergla Ramirez Ibarra
Webb County Clerk
By *[Signature]*
Deputy County Clerk



704 838



SUMMARY	
Tract 1	5,728.2914 AC.
Tract 2	12,918.623 AC.
Total	18,646.9144 AC.
Area of the Survey	18,646.9144 AC.
Area of the Tracts	18,646.9144 AC.
Area of the Survey	18,646.9144 AC.



Being all of the original "18,256 acre Pascagoula Ranch" and "3,000 acres" on per V. 1389, P. 283-73, REFLECT, 12-28-89
 Webb County, Texas

Yogo Ranch

Survey of
 TRACT 1
 5,728.2914 ACRES
 TRACT 2
 12,918.623 ACRES



Margie Ramirez Ibarra, County Clerk, Webb County,
 do hereby certify that this is a true and correct copy, as
 the same appears of record in my office,
 Witness my hand and seal of office on

JUL 15 2013

Margie Ramirez Ibarra
 Webb County Clerk
[Signature]
 Webb County Clerk

Field Notes for Tract 1 of Yugo Ranch

Being 9,726.2984 acres of land, more or less, out of and being a part of the original 16,258 acre Pescadito Ranch, consisting of pastures Retana Gorda, Llave, Lasso, and also containing a ranch headquarters pasture, said 9,726.2984 acres also being a part of a 5,000 acre tract, as per deed from Carlos Y. Benavides to A.N.B. Cattle Co and Rancho Viejo Cattle Co., described in further detail and recorded on Dec-28-1989 in V. 1399, P. 262-73, Real Property Records of Webb County, Texas; said 9,726.2984 acres of land, more or less, consisting of the above mentioned pastures, being more particularly described by metes and bounds as follows:

BEGINNING at an existing fence post being the most Easterly Southeast corner of Survey 1926, Abstract 992, Manuel Collado, Original Grantee, said fence post also being the Southwest corner of Survey 1649, an exterior corner hereof, for the POINT OF BEGINNING of said 9,726.2984 acre tract;

(1) THENCE, South 42°48'18" West, a distance of 1781.08 feet, along the division line for the Yugo Ranch, same being a fence line, to a fence post along the southerly fence line of the Ranch Headquarters;

THENCE, continuing along said fence line, the following;
to Survey corner

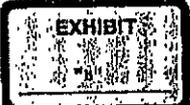
(2)	South 26°38'34" East	574.02 feet	
	South 71°09'04" West	373.63 feet	
	North 73°58'57" West	1177.49 feet	
(5)	North 85°32'05" West	91.00 feet	
	South 04°27'55" West	61.00 feet	
	North 85°32'05" West	98.30 feet	
	South 66°13'37" West	64.86 feet	
	South 08°58'37" West	834.57 feet	
(10)	South 53°40'13" West	77.33 feet	

THENCE, along said division fence line, the following;

	South 28°11'25" East	3756.70 feet	
	South 37°08'03" West	5636.75 feet	NE 120
(15)	South 07°07'43" East	5279.21 feet	SE 120
	South 83°32'17" West	5292.82 feet	SW 120
	South 26°06'56" West	208.66 feet	
	South 84°24'54" West	758.51 feet	
	South 79°30'48" West	2976.91 feet	

(20) THENCE, along the existing outer boundary fence line of the aforementioned group of pastures, the following;

	South 89°43'49" West	3079.33 feet	deflection left
	South 89°42'57" West	4154.43 feet	exterior corner
	North 00°15'58" West	3271.98 feet	deflection left
	North 00°16'14" West	3301.53 feet	NW 1601
(25)	North 89°53'09" West	1644.73 feet	SW 1994
	North 00°00'38" West	2514.16 feet	NW 1994
	North 89°42'09" East	373.43 feet	SW 1209
	North 00°02'50" West	2641.77 feet	NW 1209
	North 89°51'23" East	2401.18 feet	NE 1209



704 839

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.
Witness my hand and seal of office on

JUL 15 2013

Margie Ramirez Ibarra
Webb County Clerk

- (30) North 00°09'48" West 1297.72 feet interior corner
 - South 89°37'30" West 1318.93 feet exterior corner
 - North 00°21'52" West 1319.12 feet deflection right
 - North 00°12'22" West 2640.47 feet interior corner
 - South 89°52'42" West 1379.60 feet US 59 South ROW
 - (35) South 89°58'08" West 336.51 feet US 59 North ROW
 - South 89°56'22" West 923.99 feet SW 1117
 - North 00°00'43" East 5425.79 feet NW 1117
 - South 89°31'49" East 6074.99 feet deflection left
 - South 89°47'47" East 5157.63 feet US 59 North ROW
 - (40) South 89°39'06" East 257.48 feet US 59 South ROW
 - South 89°11'46" East 58.60 feet deflection left
 - South 89°32'40" East 469.31 feet deflection right
 - South 82°27'22" East 69.38 feet NW 861
 - South 65°01'08" East 5268.40 feet NE 861
 - (45) North 24°45'08" East 2042.80 feet deflection right
 - North 24°49'25" East 3258.96 feet NE 862
 - North 00°24'50" West 663.63 feet NW 1927
 - North 89°44'02" East 4076.08 feet NE 1927
 - South 00°22'58" East 2867.88 feet deflection left
 - (50) South 00°28'58" East 2857.19 feet exterior corner
 - South 88°02'27" West 226.58 feet interior corner
- (52) THENCE, South 00°34'43" East, a distance of 2839.69 feet, continuing along said boundary fence line, to the POINT OF BEGINNING, and containing 9,726.2984 acres of land, more or less.

Note: 1) Save and Except 41.2 acres for U.S. Hwy. 59 Right Of Way acquisition as per V. 189, P. 93, D.R.W.C.T.

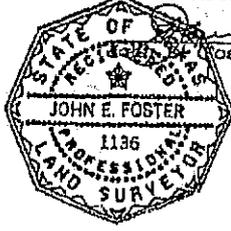
Note: 2) Basis of bearings taken from the North American Datum 1927 (NAD 27), with Global Positioning System (GPS), utilizing USGS Monument "Casa", for the N-E-E.

STATE OF TEXAS
COUNTY OF WEBB

I, John E. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief and was prepared from an actual survey made on the ground on 27 March thru 06 April, 1996 and 20 July thru 10 August, 1997, under my direction and from office records available.

WITNESS MY HAND AND SEAL THIS 10th DAY OF AUGUST, 1997.

D:\OFFICE\NEWIN\WPDOCS\YUGO-1.F3



Foster, R.P.L.S. #1136
P.E. #15651

704 840

I, Mergle Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.

Witness my hand and seal of office on

JUL 15 2013

Mergle Ramirez Ibarra
Webb County Clerk
Deputy County Clerk

Field Notes for Tract 2

Being 12,193.8423 acres of land, more or less, out of and being a part of the original 16,258 acre Pascadito Ranch, consisting of pastures El Yugo and Rancho Viejo, said 12,193.8423 acres also out of and being a part of a 5,000 acre tract; as per deed from Carlos Y. Benavides to A.N.B. Cattle Co. and Rancho Viejo Cattle Co., described in further detail and recorded on Dec-28-1989 in V. 1399, P. 262-73, Real Property Records of Webb County, Texas; said 12,193.8423 acres of land, more or less, consisting of the above mentioned pastures, being more particularly described by metes and bounds as follows:

BEGINNING at an existing fence post being the most Easterly Southeast corner of Survey 1926, Abstract 992, Manuel Collado, Original Grantee, said fence post also being the Southwest corner of Survey 1649, an exterior corner hereof, for the **POINT OF BEGINNING** of said 12,193.8423 acre tract;

- (1) **THENCE**, North 89°32'57" East, a distance of 8240.01 feet, along the existing outer boundary fence line of the aforementioned group of pastures, to a fence post being the Northeast corner of Survey 1653;

THENCE, continuing along said boundary fence line, the following;

			to Survey corner
(2)	South 00°04'51" East	6261.12 feet	NW 373
	South 80°34'28" East	5405.81 feet	NE 373
	South 09°15'22" West	5322.70 feet	SE 373
(5)	South 14°20'05" West	1856.50 feet	deflection right
	South 14°24'42" West	4002.73 feet	SE 111
	North 75°27'44" West	4945.86 feet	NE 2248
	South 68°26'01" West	128.31 feet	NW 259
	South 61°25'40" East	5391.19 feet	NE 259
(10)	South 29°01'12" West	5258.58 feet	SE 259
	North 61°24'23" West	2861.25 feet	interior corner
	South 00°26'36" East	4886.21 feet	deflection right
	South 00°25'17" East	4265.49 feet	SE 1641
	South 89°35'16" West	2060.30 feet	RxR North Line
(15)	South 89°28'13" West	133.65 feet	RxR South Line
	South 89°28'03" West	2769.21 feet	exterior corner
	North 00°26'57" West	856.55 feet	NE 572
	South 89°36'11" West	2280.73 feet	SW 1641
	North 01°00'19" West	697.52 feet	SE 2078
(20)	South 89°38'44" West	1568.35 feet	SW 2078
	South 11°07'55" West	1370.47 feet	SE 11
	North 72°47'52" West	3023.46 feet	deflection right
	North 09°30'05" East	51.92 feet	deflection left
	North 79°34'51" West	1571.16 feet	SW 11
(25)	North 10°27'45" East	655.75 feet	interior corner
	South 89°43'57" West	619.85 feet	SW 2075
	South 00°41'55" East	479.98 feet	SE 1616
	South 89°39'46" West	2652.89 feet	RxR South Line
	South 89°28'41" West	193.07 feet	RxR North Line
(30)	South 89°36'51" West	2035.11 feet	SW hereof
	North 00°25'17" West	3999.43 feet	deflection right
	North 00°24'37" West	4677.26 feet	deflection left
	North 00°25'09" West	4598.68 feet	westerly corner

704 841



I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.

Witness my hand and seal of office on

JUL 15 2013

Margie Ramirez Ibarra
Webb County Clerk

THENCE, along the division line for the Yugo Ranch, same being a fence line, the following;

- North 79°30'48" East 2976.91 feet
- (35) North 84°24'54" East 758.51 feet
- North 26°06'56" East 208.66 feet SW 120
- North 83°32'17" East 5292.82 feet SE 120
- North 07°07'43" West 5279.21 feet NE 120
- North 37°08'03" East 5636.76 feet
- (40) North 28°11'25" West 3756.70 feet

THENCE, continuing along the division line for the Yugo Ranch, same being the southerly fence line of the Ranch Headquarters, the following;

- North 53°40'13" East 77.33 feet
- North 08°58'37" East 834.57 feet
- North 66°13'37" East 64.86 feet
- (45) North 04°27'55" East 98.30 feet
- South 85°32'05" East 61.00 feet
- South 85°32'05" East 91.00 feet
- South 73°58'57" East 1177.49 feet
- North 71°09'04" East 373.63 feet
- (49) North 26°38'34" West 574.02 feet

(50) THENCE, North 42°48'18" East, a distance of 1781.08 feet, along said division fence line, to the POINT OF BEGINNING, and containing 12,193.8423 acres of land, more or less.

Note: 1) Basis of bearings taken from the North American Datum 1927 (NAD 27), with Global Positioning System (GPS), utilizing USGS Monument "Casa", for the N-E-E.

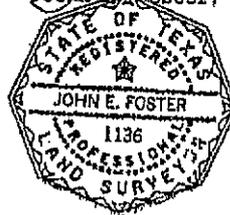
STATE OF TEXAS
COUNTY OF WEBB

I, John E. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief and was prepared from an actual survey made on the ground on 27 March thru 06 April, 1996 and 20 July thru 10 August, 1997, under my direction and from office records available.

WITNESS MY HAND AND SEAL THIS 10th DAY OF AUGUST, 1997.

D:\OFFICE\NEWIN\NPDOCS\YUGO-1.FG

John E. Foster, R.P.L.S. #1136
P.E. #15851



Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.

Witness my hand and seal of office of

JUL 15 2013



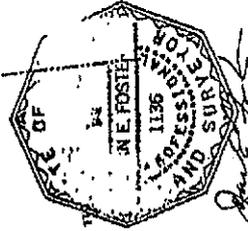
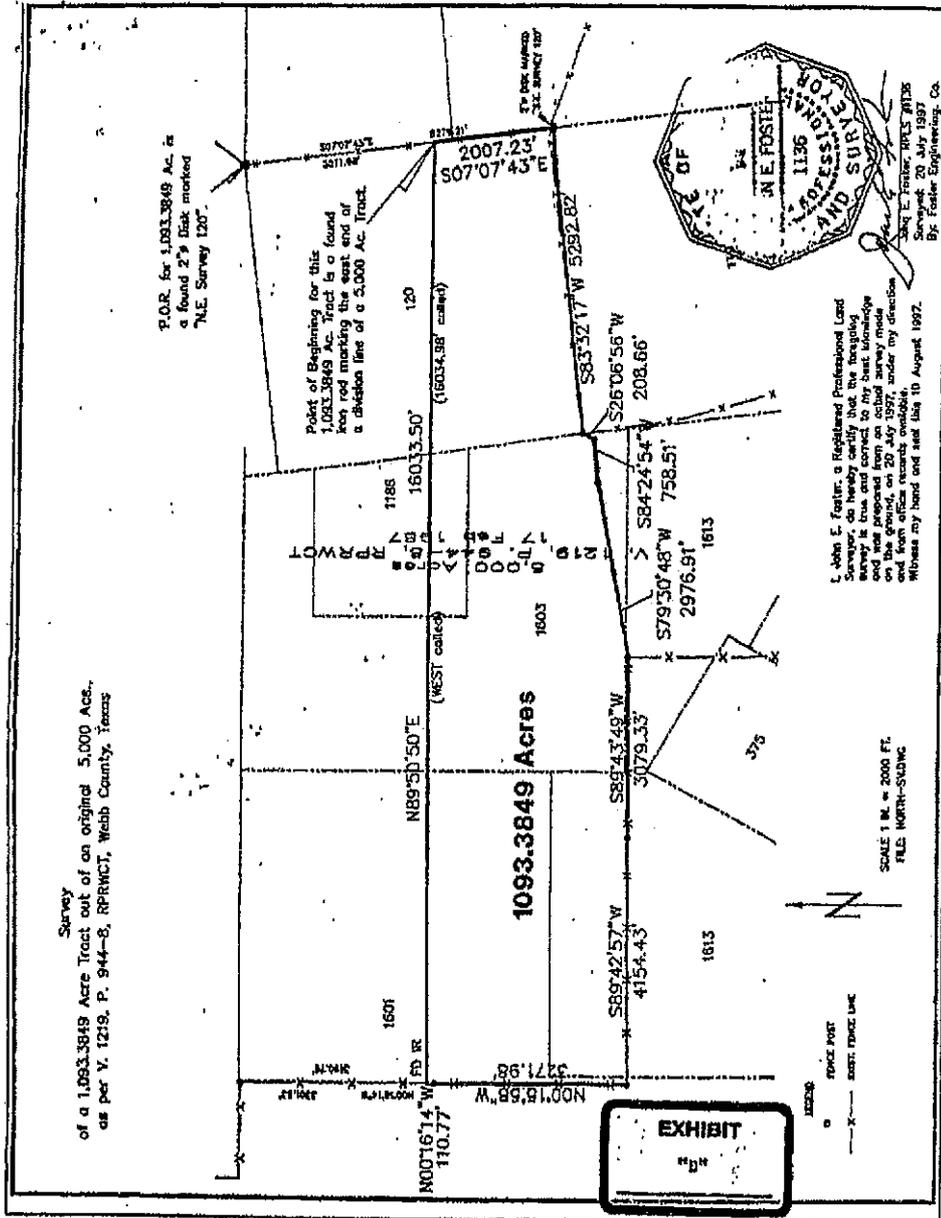
Margie Ramirez Ibarra
Webb County Clerk
Deputy County Clerk

704 842

Survey
of a 1,093.3849 Acre Tract out of an original 5,000 Acs.,
as per V. 1219, P. 944-8, RPRMCT, Webb County, Texas

P.L.O.R. for 1,093.3849 Ac. is
a found 2" Disk marked
"N.E. Survey 1207"

Point of Beginning for this
1,093.3849 Ac. Tract is a found
Iron rod marking the east end of
a division line of a 5,000 Ac. Tract.



I, John E. Foster, a Registered Professional Land
Surveyor, do hereby certify that the foregoing
survey is true and correct to my best knowledge
and was prepared from an actual survey made
on the ground, on 20 July 1997, under my direction
and supervision, and that I am a duly licensed
Professional Land Surveyor in the State of Texas.
Witness my hand and seal this 10 August 1997.

John E. Foster, P.L.S. #1136
See back of plat
By: Foster Engineering, Co.

SCALE 1 IN. = 2000 FT.
FILE NORTH-SOUTH

EXHIBIT
#1

704 843

I, Margie Ramirez Iserra, County Clerk, Webb County,
do hereby certify that this is a true and correct copy, as
the same appears of record in my office,
Witness my hand and seal of office on

JUL 15 2013

Margie Ramirez Iserra
Webb County Clerk
Deputy County Clerk

Field Notes for North section of the South Valle Pasture

Being 1,093.3849 acres of land, more or less, out of an original 5,000 acre pasture known as the North Valle & South Valle, as per deed from Carlos Y. Benavides to A.N.B. Cattle Co. and Rancho Viejo Cattle Co., described in further detail and recorded on Dec-28-1989 in V. 1399, P. 262-73, Real Property Records of Webb County, Texas; said 1,093.3849 acres of land, more or less, being more particularly described by metes and bounds as follows:

COMMENCING at a found 2" disk marked "N.E. Survey 120", THENCE South 07°07'43" East, a distance of 3271.98 feet, along the Easterly line of Survey 120, to a found iron rod marking the east end of a division line of the a 5,000 acre tract as per V. 1219, P. 944-8, Real Property Records of Webb County, Texas, the POINT OF BEGINNING of said 1,093.3849 acre tract;

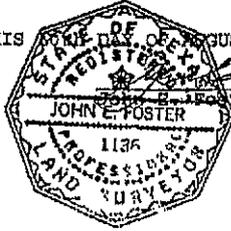
- (1) THENCE, South 07°07'43" East, at a distance of 2007.23 feet, along the East boundary line of Survey 120, to a found 2" disk marked "S.E. Survey 120", for the most Easterly corner hereof;
- (2) South 83°32'17" West 5292.82 feet SW 120
South 26°06'56" West 208.66 feet
South 84°24'54" West 758.51 feet
- (5) South 79°30'48" West 2976.91 feet
South 89°43'49" West 3079.33 feet deflection left
South 89°42'57" West 4154.43 feet exterior corner
- (8) North 00°15'58" West 3271.98 feet deflection left
- (9) THENCE, North 00°16'14" West, a distance of 110.77 feet, along the West boundary line of Survey 1601, to a found iron rod marking the west end of the mentioned division line of a 5,000 acre tract, for the most westerly corner hereof;
- (10) THENCE, North 89°50'50" East, a distance of 16033.50 feet, along said division line, to the POINT OF BEGINNING, and containing 1,093.3849 acres of land, more or less.

Note: Basis of bearings taken from the North American Datum 1927 (NAD 27), with Global Positioning System (GPS), utilizing USGS Monument "Casa", for the N-E-E.

STATE OF TEXAS
COUNTY OF WEBB

I, John E. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief and was prepared from an actual survey made on the ground on March 27 thru April 06, 1998 under my direction and from office records available.

WITNESS MY HAND AND SEAL THIS 15th DAY OF AUGUST, 1997.



John E. Foster, R.P.L.S. #1136
P.E. #15851

D:\OFFICE\MPWIN\WPDOCS\YUGO-1.FG



Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.
Witness my hand and seal of office on
JUL 15 2013
Margie Ramirez Ibarra
Webb County Clerk
Deputy County Clerk

704 844

Field Notes for Ranch Headquarters Pasture

Being 45.2619 acres of land, more or less, out of and being a part of the original 16,258 acres Pascadito Ranch, consisting of pastures Ratama Gorda, Llaves, Lassos, El Yugo, & Rancho Viejo, and also containing a ranch headquarters pasture, as per deed from Carlos Y. Benavides to A.N.B. Cattle Co. and Rancho Viejo Cattle Co., described in further detail and recorded on Dec-28-1989 in V. 1399, P. 262-73, Real Property Records of Webb County, Texas; said 45.2619 acres of land, more or less, consisting of the ranch headquarters pasture, being more particularly described by metes and bounds as follows:

COMMENCING at an existing fence post being the most Easterly Southeast corner of Survey 1926, Abstract 892, Manuel Collado, Original Grantee, said fence post also being the Southwest corner of Survey 1649; THENCE, South 45°48'18" West, a distance of 1781.08 feet, along an existing fence line to a fence corner, the Northeast corner hereof, for the POINT OF BEGINNING of said 45.2619 acre tract;

(1) THENCE, South 26°38'34" East, a distance of 574.02 feet, along an existing fence to a fence corner, the most Easterly corner hereof;

THENCE, continuing along said fence line, the following:

- | | | |
|------|----------------------|--------------|
| (2) | South 71°09'04" West | 373.63 feet |
| | North 73°58'57" West | 1177.49 feet |
| | North 85°32'05" West | 91.00 feet |
| (5) | South 04°27'55" West | 61.00 feet |
| | North 85°32'05" West | 98.30 feet |
| | South 66°13'37" West | 64.86 feet |
| | South 08°58'37" West | 834.57 feet |
| | South 53°40'13" West | 77.33 feet |
| (10) | North 43°04'26" West | 63.11 feet |
| | South 87°03'36" West | 13.11 feet |
| | North 70°50'50" West | 1682.45 feet |
| | North 09°17'36" East | 12.87 feet |
| | North 68°16'19" East | 1730.12 feet |
| (15) | North 81°21'32" East | 108.56 feet |
| | North 89°46'28" East | 292.60 feet |
| | South 19°03'21" East | 27.40 feet |
| | South 04°59'22" West | 49.63 feet |
| | South 83°04'30" East | 25.29 feet |
| (20) | North 45°28'22" East | 57.51 feet |
| | South 89°36'24" East | 45.73 feet |
| (22) | North 78°08'16" East | 160.27 feet |

70A 845



I, Mergia Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.

Witness my hand and seal of office on

JUL 15 2013

Mergia Ramirez Ibarra
Webb County Clerk
Mergia Ramirez Ibarra
Deputy County Clerk

(23) THENCE, South 29°13'09" East, a distance of 1036.44 feet, continuing along said fence line to the POINT OF BEGINNING, and containing 45.2619 acres of land, more or less.

Note: Basis of bearings taken from the North American Datum 1927 (NAD 27), with Global Positioning System (GPS), utilizing USGS Monument "Casa", for the N-E-E.

STATE OF TEXAS
COUNTY OF WEBB

I, John E. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief and was prepared by me as an actual survey made on the ground on March 27 thru April 02, 1998 under my direction and from office records available.

WITNESS MY HAND AND SEAL THIS 18th DAY OF



File: YUGO-1.FG

704 846

EXHIBIT "F" Page 2

I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.

Witness my hand and seal of office on

JUL 15 2013

Margie Ramirez Ibarra
Webb County Clerk
Deputy County Clerk

Field Notes for Centerline of 40' Wide Road Easement in Tract 1

Being the centerline of a 40' wide road easement, out of the original 16,258 acre Pescadito Ranch, as per deed from Carlos Y. Benavides to A.N.B. Cattle Co. and Rancho Viejo Cattle Co., described in further detail and recorded on Dec-28-1989 in V. 1399, P. 262-73, Real Property Records of Webb County, Texas; said centerline of 40' wide road easement, being more particularly described by metes and bounds as follows:

COMMENCING at an existing fence post being the most Easterly Southeast corner of Survey 1926, Abstract 992, Manuel Collado, Original Grantee, said fence post also being the Southwest corner of Survey 1649; THENCE, North 65°28'20" West, a distance of 12707.59 feet, to the centerline of said 40' wide road easement, the most Northerly point hereof, for the POINT OF BEGINNING of said centerline;

THENCE, along the centerline of the 40' wide road easement, the following line and curves;

LINE # CURVE #	BEARING RADIUS	ARC	DISTANCE TAN	DIR-DELTA	
L101	S89°10'16"E		486.91'		to P.C.
C102	550.00'	231.97'	117.73'	R 24°09'54"	to P.T.
L103	S65°00'23"E		3397.63'		
L104	S65°34'35"E		1326.71'		to P.C.
C105	950.00'	415.17'	210.95'	R 25°02'21"	to P.T.
L106	S40°32'14"E		1756.09'		
L107	S46°35'26"E		1411.75'		to P.C.
C108	500.00'	497.37'	271.45'	R 56°59'41"	to P.T.
L109	S10°24'15"W		1081.55'		
L110	S07°55'36"W		906.39'		
L111	S17°11'34"W		330.54'		to P.C.
C112	575.00'	207.54'	104.91'	L 20°40'48"	to P.T.
L113	S03°29'14"E		299.78'		to P.C.
C114	250.00'	206.33'	109.45'	L 47°17'11"	to P.T.
L115	S50°46'25"E		469.80'		to P.C.
C116	115.00'	246.71'	211.43'	L 122°54'54"	to P.T.
L117	N06°18'41"E		159.60'		to P.C.
C118	175.00'	260.06'	160.77'	R 85°08'45"	to P.T.
L119	S88°32'33"E		597.86'		to P.C.
C120	450.00'	124.49'	62.64'	L 15°51'01"	to P.T.

THENCE N75°36'28"E, a distance of 11.34' to the POINT OF ENDING of this centerline for said 40' wide road easement, said ending point bears South 47°47'46" West, a distance of 3684.97 feet from the commencing point.

704 848



I, Marge Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office,
Witness my hand and seal of office on

JUL 15 2013

Marge Ramirez Ibarra
Webb County Clerk
Deputy County Clerk

Note: 1) Basis of bearings taken from the North American Datum 1927 (NAD 27), with Global Positioning System (GPS), utilizing USGS Monument "Casa", for the N-E-E.

STATE OF TEXAS
COUNTY OF WEBB

I, John E. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief and was prepared from an actual survey made on the ground on 27 March thru 06 April, 1996 and 20 July thru 10 August, 1997, under my direction and from office records available.

WITNESS MY HAND AND SEAL THIS 10th DAY OF AUGUST, 1997.


John E. Foster, R.P.L.S. #1136
P.E. #15851

D:\OFFICE\WPWIN\WFOCS\YUGO-1.FG

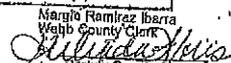


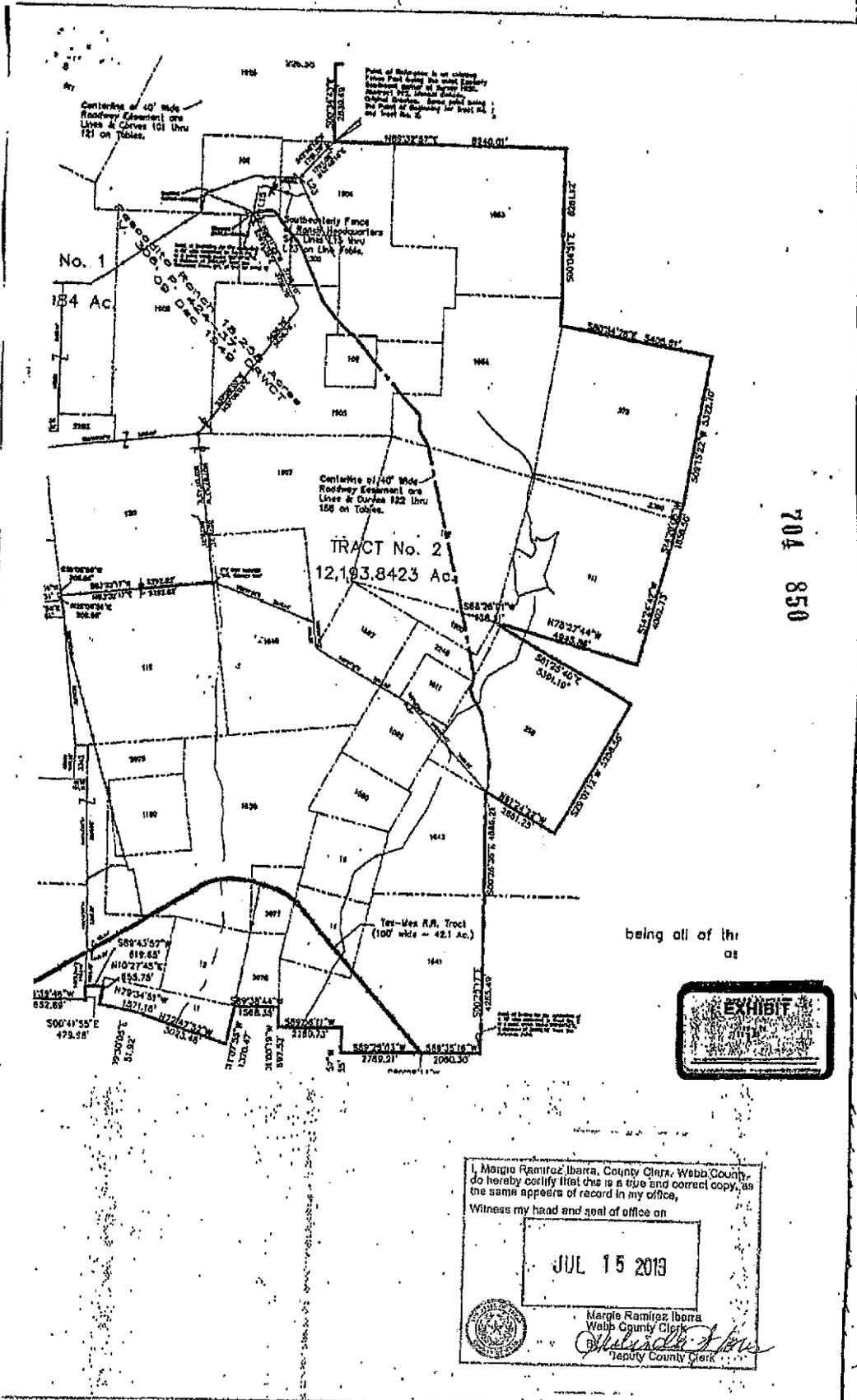
704 849

1. Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.

Witness my hand and seal of office on

JUL 15 2013

Margie Ramirez Ibarra
Webb County Clerk

Deputy County Clerk



704 850

being all of the
or



I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office,
Witness my hand and seal of office on

JUL 15 2019



Margie Ramirez Ibarra
Webb County Clerk
Margie Ramirez Ibarra
Deputy County Clerk

Field Notes for Centerline of 40' Wide Road Easement in Tract 2

Being the centerline of a 40' wide road easement, out of the original 16,258 acre Pescadito Ranch; as per deed from Carlos Y. Benavides to A.N.B. Cattle Co. and Rancho Viejo Cattle Co., described in further detail and recorded on Dec-28-1989 in V. 1399, P. 262-73, Real Property Records of Webb County, Texas; said centerline of 40' wide road easement, being more particularly described by metes and bounds as follows:

COMMENCING at an existing fence post being the most Easterly Southeast corner of Survey 1926, Abstract 992, Manuel Collado, Original Grantee, said fence post also being the Southwest corner of Survey 1649; THENCE, South 47°47'46" West, a distance of 3854.97 feet, to the centerline of said 40' wide road easement, the most Westerly point hereof, for the POINT OF BEGINNING of said centerline;

THENCE, along the centerline of the 40' wide road easement, the following lines and curves;

LINE # CURVE #	BEARING RADIUS	ARC	DISTANCE TAN	DIR-DELTA	
L122	N75°36'26"E		303.75'		
L123	N82°55'20"E		329.72'		
C124	250.00'	258.19'	141.94'	R 59°10'22"	to P.C.
L125	S37°54'18"E		525.71'		
L126	S41°32'39"E		672.93'		to P.C.
C127	1000.00'	265.22'	133.40'	R 15°11'46"	to P.T.
L128	S26°20'52"E		533.95'		
L129	S20°29'26"E		413.29'		
L130	S25°22'39"E		1143.68'		
L131	S41°44'50"E		583.25'		
L132	S38°04'13"E		266.58'		
L133	S46°03'57"E		378.13'		
L134	S53°08'41"E		433.45'		
L135	S39°43'06"E		704.44'		
L136	S41°13'40"E		2183.06'		
L137	S42°35'05"E		599.59'		to P.C.
C138	330.00'	288.34'	154.10'	R 50°03'43"	to P.T.
L139	S07°28'37"W		161.29'		to P.C.
C140	440.00'	335.13'	176.16'	L 43°38'22"	to P.T.
L141	S16°09'44"E		211.59'		to P.C.
C142	800.00'	326.41'	165.51'	R 23°22'37"	to P.T.
L143	S12°47'07"E		1735.89'		
L144	S15°46'04"E		482.77'		
L145	S12°59'50"E		3418.58'		
L146	S12°21'56"E		2394.85'		to P.C.
C147	650.00'	309.48'	157.73'	R 27°16'47"	to P.T.
L148	S14°54'51"W		282.51'		
L149	S16°30'39"E		240.66'		
L150	S24°52'37"E		136.15'		
L151	S30°30'45"E		558.81'		
L152	S10°41'15"E		279.01'		
L153	S12°32'18"E		995.63'		
L154	S06°20'48"E		458.72'		
L155	S00°55'42"W		887.17'		
L156	S23°56'41"W		175.77'		
L157	S00°26'36"E		4886.20'		

704 851



I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office.
 Witness my hand and seal of office on
 JULY 16 2013
 Margie Ramirez Ibarra
 Webb County Clerk
 Deputy County Clerk

THENCE S00°25'17"E, a distance of 4265.49' to the POINT OF ENDING of this centerline for said 40' wide road easement, said ending point bears South 10°50'16" East, a distance of 32352.10 feet from the commencing point.

Note: 1) Basis of bearings taken from the North American Datum 1927 (NAD 27), with Global Positioning System (GPS), utilizing USGS Monument "Casa", for the N-E-E.

STATE OF TEXAS
COUNTY OF WEBB

I, John E. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief and was prepared from an actual survey made on the ground on 27 March thru 06 April, 1996 and 20 July thru 10 August, 1997, under my direction and from office records available.

WITNESS MY HAND AND SEAL THIS 10th DAY OF AUGUST, 1997.

John E. Foster
John E. Foster, R.P.L.S. #1136
P.E. #15851

D:\OFFICE\NFWIN\WPDGCS\YUGO-1.FG



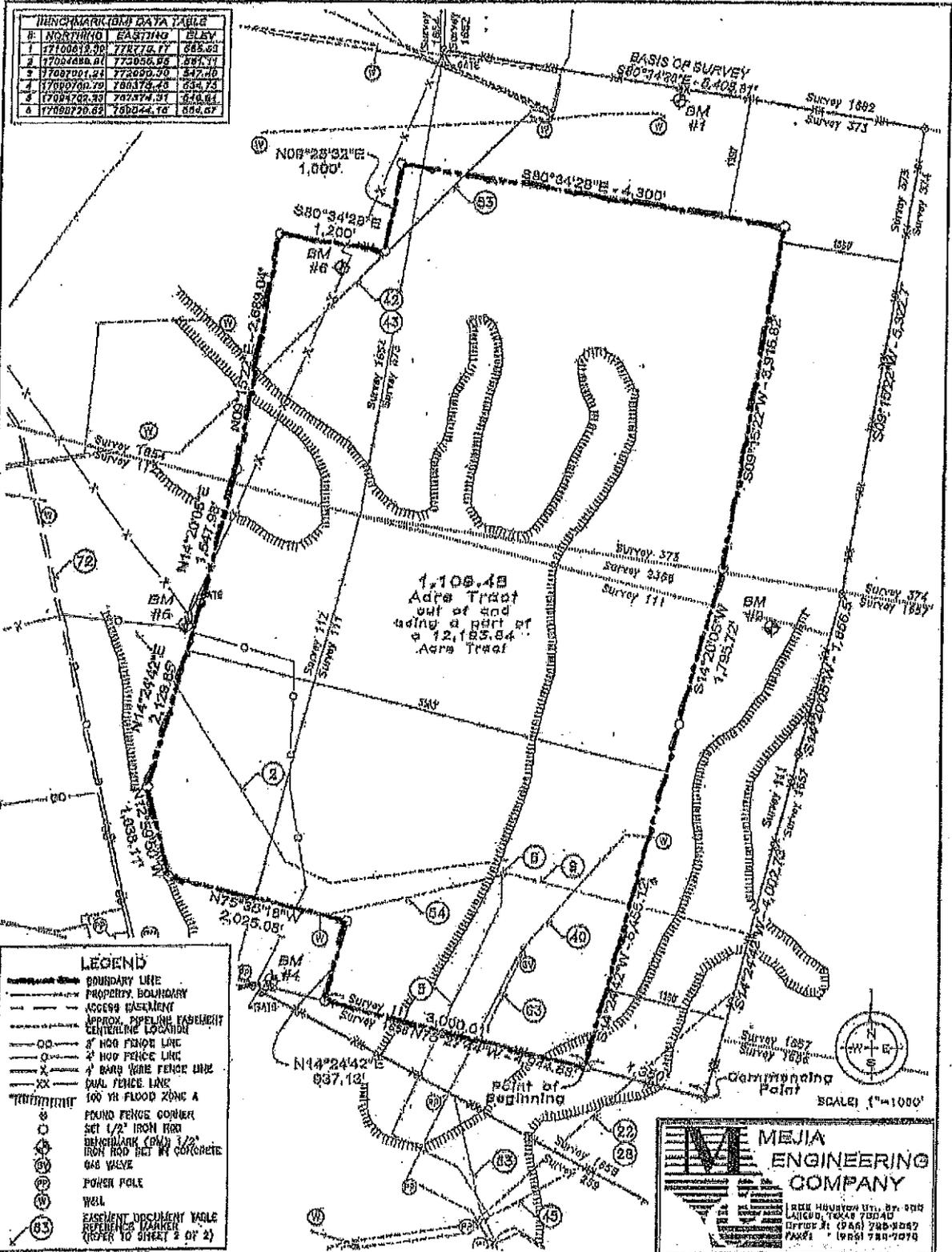
70A 852

HENRY FLORES
COUNTY CLERK
FILED
98 NOV 19 PM 4:55
WEBB COUNTY TEXAS
BY _____ DEPUTY

THE STATE OF TEXAS)
COUNTY OF WEBB) I, MARGIE RAMIREZ IBARRA, Clerk
of the County Court of Webb County, Texas, do hereby
certify that the foregoing is a true and correct copy of the
original *as the same* as the same
appears on record in my office, in Volume *827-852*
of the *Public* Records of Webb County, Texas.
Witness my Hand and Seal of Office this 15th
day of *July* A.D. *1997*
MARGIE RAMIREZ IBARRA, Webb County Clerk,
Webb County, Texas.

Quirada
Deputy

BENCHMARK DATA TABLE			
#	NORTHING	EASTING	ELEV.
1	7710613.30	778776.17	845.83
2	7704408.81	772956.88	847.37
3	77087001.81	772956.30	847.40
4	77087001.79	768378.48	847.73
5	77084702.33	768374.31	846.84
6	77088770.62	768244.10	848.07



LEGEND	
	BOUNDARY LINE
	PROPERTY BOUNDARY
	ACCESS EASEMENT
	UTILITY PIPELINE EASEMENT
	CENTERLINE LOCATION
	1" HOOD FENCE LINE
	2" HOOD FENCE LINE
	4" BAY FENCE LINE
	DUAL FENCE LINE
	100 YR FLOOD ZONE A
	FOUND FENCE CORNER
	SET 1/2" IRON ROD
	BENCHMARK (CONV) 1/2"
	IRON ROD SET IN CONCRETE
	GAS VALVE
	POWER POLE
	WELL
	EASEMENT DOCUMENT TABLE REFERENCE NUMBER (REFER TO SHEET 2 OF 2)

CERTIFICATE OF SURVEYOR

STATE OF TEXAS
COUNTY OF MEHA

I, GILBERT L. CADE II, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE FOREGOING SURVEY WAS PREPARED FROM MAPS, RECORDS AND OTHER DOCUMENTS OF RECORDS MADE AVAILABLE AND IN ACCORDANCE WITH MY KNOWLEDGE AND WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECTION.

Gilbert L. Cade II
GILBERT L. CADE II, R.P.L.S. No. 8080

3/30/2011
DATE



MEJIA ENGINEERING COMPANY
 1000 HAWTHORN BLVD., SUITE 200
 LALISSE, TEXAS 75840
 PHONE: (409) 748-2882
 FAX: (409) 748-2070

BOUNDARY SURVEY
 of a tract of land containing 1,108.48 acres, more or less, with Surveys 373, 111, 112, and 1954 and being out of and a part of a 12,183.84 acre tract as described and depicted on tract 2 on a Survey Plat by John E. Foster, R.P.L.S., an Applicant Conformable Surface Ownership, Approved Boundary Line and Boundary Access Instrumental recorded in W. 704, p. 827-852, R.P.L.S.O.T., Webb County, Texas.

DRAWN BY: E.H. CHECKED BY: A.A. APPROVED BY: G.L.S.
 SHEET 1 OF 2



COMMISSION
ON ENVIRONMENTAL
QUALITY
1501 RICHMOND ST. S.W.
AUSTIN, TEXAS 78711

Bridget C. Bohac, Chief Clerk
TCEQ, MC - 105
P.O. Box 13087
Austin, Texas 78711-3087

TCEQ Public Meeting Form
February 28, 2013

2
11

Rancho Viejo Waste Management, LLC
Municipal Solid Waste
Permit No. 2374

RECEIVED
FEB 28 2013
AT PUBLIC MEETING

PLEASE PRINT

Name: John Cardwell

Mailing Address: 807 Brazos # 1001 Austin 78701

Physical Address (if different): _____

City/State: Austin TX Zip: 78701

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

Email: cardwell53@earthlink.net ✓

Phone Number: 512 322 0011

• Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? ANB Cattle Company, ~~etc~~

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.

Cardwell

Proposed Permit No. 2374
Tracking No. 14669041
CN 603835489/RN 106119639

RECEIVED

FEB 28 2013

APPLICATION OF RANCHO § BEFORE THE TEXAS
VIEJO WASTE MANAGEMENT, LLC §
- PROPOSED PERMIT NO. 2374 §
NEW PERMIT APPLICATION §
- SECOND NOTICE OF § COMMISSION ON
DEFICIENCY (NOD) TRACKING §
NO. 14669041; CN 603835489/ §
RN 106119639 § ENVIRONMENTAL QUALITY

AT PUBLIC MEETING

SUPPLEMENTAL OBJECTIONS AND COMMENTS
OPPOSING APPLICATION FOR MUNICIPAL SOLID WASTE PERMIT

ANB Cattle Company, Ltd. files these Formal Objections Opposing the above referenced Application of Rancho Viejo Waste Management, LLC for Land Use Compatibility Determination for a Municipal Solid Waste Permit in Webb County, Texas, Proposed Permit No. 2374 (hereinafter the "Application"), pursuant to the January 29, 2013 Notice of Public Meeting on this matter.

I.

The entity filing these objections:

ANB Cattle Company, Ltd
Attn: Arturo N. Benavides, Jr. President
1202 E. Del Mar Blvd., Suite 3A
Laredo, Texas 78041
Phone: (956) 726-9916

II.

As set forth herein, ANB Cattle Company, Ltd. ("ANB") is an affected person with standing to request a hearing in this matter for the purpose of protecting its interests in that ANB owns lands within, adjacent to and in the immediate area of the proposed facility.

RECEIVED

FEB 28 2013

AT PUBLIC MEETING

III.

The representative for receiving all official communications and documents for

ANB is:

Cardwell & Bennett, L.L.P.
Attention: John A. Cardwell
807 Brazos Street, Suite 1001
Austin, Texas 78701
(512) 322-0011
(512) 322-0808 – Fax
Email: cardwell53@earthlink.net
Email: chblaw@sbcglobal.net

IV.

4.1 The Applicant Rancho Viejo Waste Management, LLC (hereinafter “**Rancho Viejo**”) proposes a landfill site covering approximately 1,109.48 acres out of Surveys 373, 111, 112 and 2366 in Webb County, Texas.

Both survey 2366 and Survey 112 are mineral classified lands. This is significant because ANB Cattle Company, Ltd. was conveyed an undivided one-half (1/2) interest in and to said mineral classified surveys in that certain Stipulation Confirming Surface Ownership, Agreed Boundary Line and Roadway Access dated November 17, 1998 and recorded in Volume 704, Pages 827 et seq. of the Official Records of Webb County, Texas (hereinafter the “**Stipulation**”). More particularly, the **Stipulation** provides in pertinent part as follows:

I.

“Ranch Viejo Cattle Company, Ltd. is hereby recognized to be the owners of the surface estate in and to Tract No. 2 containing 12,198.8423 acres,

more or less, as depicted on attached Exhibit "A" and described in field notes attached hereto as Exhibit "C", Less and Except,

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- a. an undivided one-half (1/2) interest held by ANB Cattle Company, Ltd. in all state mineral classified lands located within said Tract No. 2, being Survey No. 2366, Abstract No. 3182, Survey No. 112, Abstract No. 2835 and a portion of Survey No. 1906, Abstract 3103, subject to Section VIII, below."

A copy of the **Stipulation** is attached hereto for all purposes. Notwithstanding the forgoing, the **Application** asserts that Rancho Viejo is the sole owner of the lands sought to be permitted as well as sole owner of all lands bordering the Proposed Facility both of which statements are erroneous. **ANB** objects to the **Application** and the construction and operation of the proposed facility on lands owned (whether in whole or in part) by **ANB** and/or on lands which border or are in close proximity to lands owned by **ANB** for the following reasons:

- The Application does not specifically address flood plain issues which may result in contamination of neighboring tracts by flowing water.
- The Application does not explain the effects of the proposed landfill on area wetlands and/or measures to mitigate damage thereto.
- The Application does not sufficiently address the possible effects of the landfill on ground water and the local aquifer.

4.2 Currently there is ongoing litigation that questions the validity of the deed that allegedly transfers title to some of the surface lands that form part of the proposed footprint of the landfill. Such case is styled: In the Matter of Carlos Benavides, Jr., An Incapacitated Person in County Court No.2, Webb County, Texas. Among the many issues in such case, is the question of whether the court appointed Temporary Guardian of the person and estate of C. Y. Benavides, Jr. had the authority to remove C. Y.

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Benavides, Jr., (the proposed ward in said case) as a managing/voting partner of various family business entities that held (or still holds) title to a portion of the landfill footprint. Not until there is a final non-appealable judgment or similar resolution in this case, legal title to the footprint of the proposed landfill remains clouded.

4.3 Further, certain of said lands of **ANB** within and/or adjacent to the proposed facility are Mineral Classified Lands. That is, the State of Texas owns the oil, gas and other minerals in, on and under said lands. **ANB** is the owner of the soil (whether in whole or in part) of said Mineral Classified Lands and therefore **ANB** has certain corresponding duties and obligations with regards to the preservation and/or development of said mineral interests owned by the State of Texas.

In addition, the minerals in, on and under certain lands within and adjacent to the proposed facility are owned by the Benavides Family Mineral Trust, a trust existing under the laws of the State of Texas (hereinafter the "**BFMT**"). **ANB** is beneficiary of the **BFMT**. **ANB** asserts that the proposed facility will potentially adversely affect and/or prohibit the ability of the State of Texas and **BFMT** to properly and adequately explore, develop and/or produce the minerals in, on and under said lands. Nevertheless, the **Application** fails to specify measures to provide with the proper development of the minerals underlying said Mineral Classified Lands, and **BFMT** lands. As such, the proposed facility will adversely affect the State of Texas **ANB**, as well as the other beneficiaries of **BFMT**.

4.4 There exists a perpetual non-exclusive right of way easement over and across lands of **ANB** extending from Highway 59 that benefits the lands that are the subject of the **Application**. Based on the volumes of waste projected in the **Application**,

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the corresponding Truck Traffic across said right of way would overburden said easements. The **Application** fails to address this issue.

4.5 There exists a perpetual non-exclusive right of way easement over and across a portion of the proposed facility extending from Highway 359 that benefits lands of **ANB**. The proposed facility will interfere with **ANB's** use and enjoyment of said easement. The **Application** fails to disclose this existence of this easement and completely fails to address this issue.

V.

The application is materially deficient and the proposed facility presents a serious risk of irreparable harm to **ANB** and its real property interests as well as to the interests of the State of Texas. Because of these issues and other concerns with the **Application**, **ANB** requests a contested case hearing on this matter.

VI.

These Supplemental Objections and Comments are filed in addition and as supplement to the Requests for Contested Case Hearing and Supporting Comments filed by **ANB** on November 21, 2011 and on July 26, 2012, in this matter.

Wherefore, **ANB** objects to the **Application**, and re-urges it's previously filed Requests for Contested Case Hearing, and further prays that after said hearing the Application be in all things denied.

Respectfully submitted,



John A. Cardwell,
on behalf of ANB Cattle Company, Ltd.

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CERTIFICATE OF SERVICE

The foregoing Supplemental Objection and Comments Opposing Application for Municipal Solid Waste Permit are hereby submitted at the February 28, 2013, public meeting in Laredo, Texas on this matter, with a true copy provided to the applicant and additional copies available for other interested parties.

/s/ John A. Cardwell
John A. Cardwell

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AT PUBLIC MEETING

STIPULATION CONFIRMING
SURFACE OWNERSHIP, AGREED BOUNDARY
LINE AND ROADWAY ACCESS

STATE OF TEXAS §

COUNTY OF WEBB §

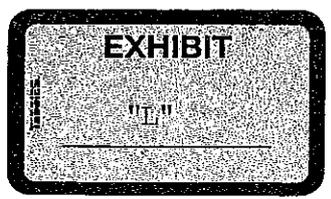
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Under Partition Deed executed by Rosa Vela de Benavides, et. al. dated December 9, 1949, now recorded in Volume 306, pages 424-37, Deed Records of Webb County, Texas, (hereinafter referred to as the December 9, 1949 Benavides Family Partition Agreement) the surface estate in and to The Pescadito Ranch containing 16,258 acres, more or less, was set aside to the late Carlos Y. Benavides, Sr. Carlos Y. Benavides, Sr. thereafter acquired other lands located to the West and adjacent to his Pescadito Ranch. Such other lands were subsequently conveyed by Carlos Y. Benavides, Sr. to his sons, Carlos Y. Benavides, Jr., and Arturo N. Benavides. Carlos Y. Benavides, Jr. and Arturo N. Benavides thereafter partitioned the surface estate lands they acquired from their father between themselves. The Partition Deed between Carlos Y. Benavides, Jr. and Arturo N. Benavides is dated February 17, 1987 and is now recorded in Volume 1219, Pages 944-948, Deed Records of Webb County, Texas. Under their February 17, 1987 Partition Deed the mineral and surface estate in the land described in such partition was severed. The surface estate in the northerly half of the lands affected by their February 17, 1987 Partition Deed was set aside in severalty to Arturo N. Benavides and the surface estate in the southerly half of said land was set aside in severalty to Carlos Y. Benavides, Jr.

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Thereafter, by two separate conveyances, each dated December 28, 1989 as now recorded in Volume 1399, pages 268-270 and Volume 1399, Pages 271-273, Real Property Records of Webb County, Texas, Carlos Y. Benavides, Sr. contributed all of the surface ownership he then owned in the El Yugo and Rancho Viejo Pastures and one-half of the Ranch Headquarters of the Pescadito Ranch to Rancho Viejo Cattle Company, Ltd. (entire Ranch Headquarters consists of 45.2619 acres, more or less), and contributed all of the surface ownership he then owned in the Lassos Pasture, the Llave Pasture, the Retama Gorda Pasture and the Cuchilla Pasture, located North of Highway 59 and one-half of the Ranch Headquarters of the Pescadito Ranch to ANB Cattle Company, Ltd.. The above referenced December 29, 1989 conveyances by Carlos Y. Benavides, Sr. included other non-related properties as therein described.

By separate instruments, dated December 28, 1989, Carlos Y. Benavides, Jr. contributed all of the surface estate in the lands set aside to him under the February 17, 1987 Partition Deed with his brother to Rancho Viejo Cattle Company, Ltd. and Arturo N. Benavides contributed all of the surface estate in the lands set aside to him in said February 17, 1987 Partition Deed to ANB Cattle Company, Ltd. These conveyances are now of record in Volume 1399, Pages 262-264 and Volume 1399, Pages 265-267, Real Property Records of Webb County, Texas, to which reference is here made for all purposes.



I, Henry Flores, County Clerk, Webb County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office. Without my hand and Seal of Office.

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Henry Flores, County Clerk

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Thereafter, by instrument dated April 6, 1990 of record in Volume 1417, pages 445-451, Real Property Records of Webb County, Texas, ANB Cattle Company, Ltd. and Rancho Viejo Cattle Company, Ltd. entered into a Cross-Conveyance Agreement relating to certain State Mineral Classified lands located within the Pescadito Ranch.

The approximate 16,258 acre Pescadito Ranch that was set aside to Carlos Y. Benavides, Sr. under the December 9, 1949 Benavides Family Partition Agreement and the additional lands acquired by the late Carlos Y. Benavides, Sr. located to the West of his 16,258 acre Pescadito Ranch, as later deeded to his sons, have been surveyed and determined to contain a total of 21,920.1407 acres, more or less. Such acreage is depicted as Tract No. 1 consisting of 9726.2984 acres, more or less, and Tract No. 2 consisting of 12, 193.8423 acres, more or less, on a Survey Plat attached hereto as Exhibit A.

Rancho Viejo Cattle Company, Ltd., simultaneous with the execution of this Stipulation Confirming Surface Ownership, Agreed Boundary Line and Roadway Access is conveying to Arturo N. Benavides, Sr., Arturo N. Benavides, Jr., Anna Gloria Benavides Galo and Kirk R. Clovis, in varying proportions, the most northerly 1093.3849 surface acres, more or less, out of the lands contributed by the late Carlos Y. Benavides, Sr. to Rancho Viejo Cattle Company, Ltd. This acreage although conveyed to Rancho Viejo Cattle Company, Ltd. was determined by recent survey to be within the Lassos Pasture, a pasture conveyed by the late C. Y. Benavides, Sr. to ANB Cattle Company, Ltd. Rancho Viejo Cattle Company, Ltd is making such conveyance in order to more accurately reflect the actual intention of the late Carlos Y. Benavides, Sr. to divide the surface estate in the Pescadito Ranch by pasture and also pursuant to a mediation accord arrived at by the undersigned parties as subsequently amended and confirmed in Cause No. 92-00052 in the County Court at Law No. 1, styled Estate of Carlos Y. Benavides, Sr., Deceased. Also in said conveyance, Rancho Viejo Cattle Company, Ltd. is conveying its right, title and interest in and to the surface estate to the Ranch Headquarters Tract of the Pescadito Ranch consisting of 45.2619 acres, more or less, together with all improvements thereto subject to Rancho Viejo Cattle Company, Ltd. retaining its non-possessory undivided one-half interest in any portion of said Ranch Headquarters Tract located within State Mineral Classified Survey 1906, Abstract 3103, Webb County, Texas, consistent with Section VIII below. Also by simultaneous conveyance herewith, Arturo N. Benavides, Sr., Arturo N. Benavides, Jr., Anna Gloria Benavides Galo and Kirk R. Clovis, are conveying the above referenced 1093.3849 surface acres, more or less, and an undivided one-half interest in and to the above referenced Ranch Headquarters Tract to AKA Properties, Ltd., a Texas Limited Partnership also subject to Rancho Viejo Cattle Company, Ltd.'s above mentioned reservation.

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The parties hereto desire to confirm the respective surface ownerships of Rancho Viejo Cattle Company, Ltd., ANB Cattle Company, Ltd. and AKA Properties, Ltd. in the 21,920.1407 acres, more or less, depicted on attached Exhibit A; to establish the Agreed Boundary Line between the respective ranch lands owned and possessed by Rancho Viejo Cattle Company, Ltd. and the ranch lands owned and possessed by ANB Cattle Company, Ltd. and AKA Properties, Ltd.; and to recognize and confirm the permanent non-exclusive rights of ingress and egress along an established

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Henry Flores, County Clerk

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AT PUBLIC MEETING

forty (40') wide road easement across their respective ranches. Accordingly, it is agreed and stipulated that:

I.

ANB Cattle Company, Ltd. is hereby recognized to be the owner of the surface estate in all of Tract No. 1 containing, 9,726.2984 acres, more or less, as depicted in Exhibit A attached hereto and described by metes and bounds in Field Notes attached hereto as Exhibit B, each of which are hereby incorporated into this agreement for all relevant Purposes, Less and Except:

- a) All of the above referenced 1093.3849 surface acres now owned by AKA Properties, Ltd., depicted in Exhibit "D" and described by metes and bounds in Field Notes attached hereto as Exhibit "E";
- b) undivided one-half (1/2) interest in and to the Ranch Headquarters tract consisting of 45.2619 acres of land, more or less, now owned by AKA Properties, Ltd., described by metes and bounds in Field Notes attached hereto as Exhibit "F" subject to Rancho Viejo Cattle Company, Ltd.'s reserved non-possessory interest in any portion of Survey 1906 that is within the Ranch Headquarters Tract as called for in I c) below;
- c) undivided one-half (1/2) interest held by Rancho Viejo Cattle Company, Ltd. in all state mineral classified lands located within said Tract No. 1, being Survey No. 1994, Abstract No. 2788, Survey No. 1604, Abstract No. 2787 and a portion of Survey No. 1906, Abstract No. 3103, subject to Section VIII below; and,
- d) retained right-of-way access by Rancho Viejo Cattle Co., Ltd. and AKA Properties, Ltd., respectively along the designated forty foot (40') roadway easement over said Tract No. 1, as more particularly described in Section V below;

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and Rancho Viejo Cattle Company, Ltd. and AKA Properties, Ltd. have RELEASED, RELINQUISHED and QUITCLAIMED and by these presents do RELEASE, RELINQUISH and QUITCLAIM all right, title and interest in and to the surface estate in and to Tract No. 1 containing 9,726.2984 acres, more or less, as depicted in Exhibit A and described by metes and bounds in attached Exhibit B, subject to each of the above stated exceptions and reservation, unto ANB Cattle Company, Ltd., its successors and assigns.

II.

Rancho Viejo Cattle Company, Ltd. is hereby recognized to be the owner of the surface estate in and to Tract No. 2 containing 12,193.8423 acres, more or less, as depicted in attached Exhibit A and described by metes and bounds in Field Notes attached hereto as Exhibit C, Less and Except:

I, Henry Flores, County Clerk, Webb County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office.
Witness my hand and seal of office this 21st day of November 1998.

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Manuel Garcia Deputy

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- a) undivided one-half (1/2) interest held by ANB Cattle Company, Ltd., in all State Mineral Classified lands located within said Tract No. 2, being Survey No. 2366, Abstract No. 3182 Survey No. 112, Abstract No. 2835 and a portion of Survey No. 1906, Abstract No. 3103, subject to Section VIII below; and,
- b) retained right of access by ANB Cattle Company, Ltd., along the designated forty foot (40') roadway easement over Tract No. 2 as more particularly described in Section VI below;

and ANB Cattle Company, Ltd. and AKA Properties, Ltd. have RELEASED, RELINQUISHED and QUITCLAIMED and by these presents do RELEASE, RELINQUISH and QUITCLAIM all of their right, title and interest in and to the surface estate in and to TRACT No. 2, containing 12,193.8423, acres, more or less, as depicted in attached Exhibit A and described by metes and bounds in attached Exhibit C, subject to each of the above stated exceptions and reservation, unto Rancho Viejo Cattle Company, Ltd., its successors and assigns.

III.

AKA Properties, Ltd. is hereby recognized to be the owner of the surface estate in and to:

- 1) 1093.3849 acres, more or less, depicted in Exhibit "D" and described by metes and bounds on Field Notes attached hereto as Exhibit "E"; and,
- 2) undivided one-half (1/2) interest in and to the Ranch Headquarters tract consisting of 45.2619 acres of land, more or less, as described by metes and bounds in Field Notes attached hereto as Exhibit "F", subject to Rancho Viejo Cattle Company Ltd.'s reserved non-possessory interest in any part of the Ranch Headquarters Tract that is within State Mineral Classified Survey 1906;

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both of which tracts of land are within Tract No 1, and ANB Cattle Company, Ltd. and Rancho Viejo Cattle Company, Ltd. have RELEASED, RELINQUISHED AND QUITCLAIMED and by these presents do RELEASE, RELINQUISH AND QUITCLAIM all right, title and interest in and to the surface estate in and to the two (2) above described tracts, subject to the above stated exception affecting the Ranch Headquarters surface rights within State Mineral Classified Survey No. 1906, unto AKA Properties, Ltd., its successors and assigns.

IV.

It is Stipulated and Agreed that the existing fence line, being the survey boundary line separating occupied Tract No. 1 from occupied Tract No. 2 shall constitute the Agreed Boundary Line between said Tract No. 1 and Tract No. 2, the ownership of which have been identified and confirmed in Sections I, II and III above. The Agreed Boundary Line, as currently fenced, shall continue to be the Agreed Boundary Line segregating such respective surface ownerships and it is agreed that such adjoining owners and their respective successors and assigns shall continue to

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maintain such division fences in a good state of repair along said Agreed Boundary Line, sharing the cost of all required maintenance equally between adjoining owners.

V.

ANB Cattle Company, Ltd. grants, conveys and confirms in Rancho Viejo Cattle Company, Ltd., the individual members of the Carlos Y. Benavides, Jr. family, and their employees and invitees, a perpetual, non-exclusive roadway easement for ingress and egress along a 40 ft. wide roadway extending from U.S. Highway 59 to an existing cattle guard in the Agreed Boundary Line between Tract No. 1 and Tract No. 2 located South of the Ranch Headquarters Tract for use as a permanent means of ingress and egress from U. S. Highway 59 to Tract No. 2. Such permanent, right of ingress and egress is depicted and described by metes and bounds in the attached Exhibits "G" and "H", respectively, and shall, for all purposes be deemed an appurtenance and a covenant running with the land to Tract No. 2. Furthermore, notwithstanding any language herein contained to the contrary, under no circumstances shall this grant of road easement be construed to include the right for Rancho Viejo Cattle Company, Ltd. and the individual members of the Carlos Y. Benavides, Jr. Family or their successors in interest to any part of Tract No. 2 to assign or allow the use of said 40' road easement by any third party that is not an owner of all or some part of Tract No. 2 for the purpose of using said 40' road easement as a thoroughfare or convenience road for accessing State Highway 359 from U.S. Highway 59 or for other commercial purposes unrelated to the ownership of all or some part of Tract No. 2.

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VI.

Rancho Viejo Cattle Company, Ltd. grants, conveys and confirms in ANB Cattle Company, Ltd. and the individual members of the Arturo N. Benavides family, and their employees and invitees, a perpetual, non-exclusive roadway easement for ingress and egress along a 40 ft. wide roadway extending from said existing cattle guard in the Agreed Boundary Line between Tract No. 1 and Tract No. 2 located South of the Ranch Headquarters Tract over and across Tract No. 2 along said designated road to a point of exit at an existing exterior gate in the most southerly East Boundary Line fence for use as a permanent means of ingress and egress from Highway 359 to Tract No. 1. Such permanent, right of ingress and egress is depicted and described by metes and bounds in the attached Exhibits "I" and "J", respectively, and shall for all purposes be deemed an appurtenance and covenant running with the land to Tract No. 1. Furthermore, notwithstanding any language herein contained to the contrary, under no circumstances shall this grant of road easement be construed to include the right for ANB Cattle Company, Ltd. and the individual members of the Arturo N. Benavides, Sr. Family, or their successors in interest to any part of Tract No. 1, to assign or allow the use of said 40' road easement by any third party that is not an owner of all or some part of Tract No. 1 for the purpose of using said 40' road easement as a thoroughfare or convenience road for accessing U.S. Highway 59 from State Highway 359 or for some other commercial purposes unrelated to the ownership of all or some part of Tract No. 1.

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VII.

The cost of all required construction, maintenance and repair of the above referenced 40' road shall be shared equally between ANB Cattle Company, Ltd. and Rancho Viejo Cattle Company, Ltd, their successors and assigns. The parties hereto further agree that the exit gates shall remain closed and locked except immediately before and immediately after each such separate use unless supervised by a gate guard, and each of said parties shall have the right to place their own lock on said exit gates.

VIII.

Survey Nos. 1994, 1604, 1906, 2366 and 112 as made reference to in Sections Ic and IIa above, are owned in undivided 50% interest each by ANB CATTLE COMPANY, LTD. and RANCHO VIEJO CATTLE COMPANY, LTD, respectively. Such Surveys are State Mineral Classified Lands and are expressly subject to the rights of the State of Texas together with those rights and obligations described in Cross-Conveyance Deed dated April 6, 1990, but effective January 1, 1990, by and between RANCHO VIEJO CATTLE COMPANY, LTD. and ANB CATTLE COMPANY, LTD., recorded in Volume 1417, Page 445 of the Deed Records of Webb County, Texas. In addition to the rights and obligations as stated in such Cross-Conveyance Deed, ANB CATTLE COMPANY, LTD. and RANCHO VIEJO CATTLE COMPANY, LTD., their successors and assigns, to the extent permitted by law, hereby agree and covenant that in addition to sharing the benefits as agents for the State of Texas under any and all oil, gas and other mineral leases, that such sharing (in equal proportions) shall also apply to any and all surface operations including any sand and/or gravel sold or used from the mineral classified lands in connection with such oil, gas and other mineral leases, together with any other receipts and/or benefits received from the exploration, development, production and marketing of such oil, gas or other minerals, including but not limited to all surface damages for the laying and construction of pipelines, roads, drillsites, seismic surveys, production facility sites, and/or any other surface sites or surface use of these surveys in connection with any and all oil, gas and mineral operations. Any proceeds and/or benefits from the sale or use of water out of a mineral classified survey or portion thereof situated within the respective property boundaries of any of the undersigned parties shall not be shared and all of such proceeds and/or benefits shall be entitled by such party. Furthermore, the party not in possession of a State Mineral Classified Tract agrees to fully cooperate (without expense to the non-possessory party) with the party actually in possession in connection with any filings with any regulatory authority incident to plugging of any well being abandoned of oil and gas production so that such well can be plugged by the oil or gas operator so as to permit the completion of a water well at the expense of the party in possession. Furthermore, in connection with the surface use of these lands for oil, gas and/or other mineral operations, the limited partnership who has exclusive possession to such lands shall also have the exclusive right (executive rights) to negotiate and conclude all terms in connection with such surface matters, keeping the interest of the non-executive limited partnership in mind. The standard of conduct of the limited partnership with the exclusive/executive right shall be that of which a fiduciary owes to his beneficiary or principal and shall include the right to account to the non-exclusive/executive right holder immediately upon closing and/or receipt of funds and/or benefits attributable to any

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I, Henry Flores, County Clerk, Webb County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office.
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Henry Flores, County Clerk

Henry Flores

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AT PUBLIC MEETING

transaction in connection with the above matters. All payments and/or benefits derived in connection with the above transactions shall be made and/or attributed 50% to ANB CATTLE COMPANY, LTD. and 50% to RANCHO VIEJO CATTLE COMPANY, LTD, respectively. All ad valorem taxes due on such mineral classified surveys shall be paid 50% by ANB CATTLE COMPANY, LTD. and 50% by RANCHO VIEJO CATTLE COMPANY, LTD. Provided, however, ANB CATTLE COMPANY, LTD. and AKA PROPERTIES, LTD. shall be responsible for all ad valorem improvement taxes attributable to the Ranch Headquarters Tract which lies on a portion of Survey 1906.

IX.

This agreement is entered into expressly subject to any and all existing railroad, pipeline, telephone and/or electrical line easements, together with the above described 40' road easement and any other recorded easements if still valid and subsisting. Further, all parties hereto expressly confirm that the mineral fee estate in the entire lands covered hereby are unaffected by this confirmation of surface title and that those claiming an interest in the oil, gas and other minerals in and under said lands are not affected by this agreement.

X.

It is further agreed and understood that in the event existing Highway 59 is ever abandoned in whole or in part, that ANB Cattle Company, Ltd., its successors and assigns shall be entitled to all reversionary rights to the surface of any abandoned highway right-of-way.

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XI.

It is further agreed and understood that the sign situated at the main existing gate on U.S. Highway 59 which reads: "Benavides & Sons/Yugo Ranch" shall remain as is. However, in the event ANB CATTLE COMPANY, LTD., its successors and assigns shall remove, change the text or the location of such sign, then RANCHO VIEJO CATTLE COMPANY, LTD. shall have the right to place a sign displaying its ranch name and location on ANB CATTLE COMPANY's fence to one side of the main entrance gate. The size and dimensions of such sign shall be comparable to any similar sign that ANB CATTLE COMPANY, LTD., its successors and assigns may place on the opposite side of said main gate. RANCHO VIEJO CATTLE COMPANY, LTD., shall also have the right to install (at its sole cost and risk) ^{Three (3)} ~~one~~ small sign comparable to those used by Oil and Gas Operators along side said 40' road easement described in Section V above. Such sign shall indicate the direction and/or location of RANCHO VIEJO CATTLE COMPANY, LTD.'s ranch lands.

ADM
PS

IN WITNESS WHEREOF this Stipulation Confirming Surface Ownership, Agreed Boundary Line and Roadway Access is executed by each of the undersigned on the date reflected

I, Henry Flores, County Clerk, Webb County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office. Witness my hand at the City of Del Rio, Texas, this 11th day of November, 1998.

NOV 30 1998



County Clerk

Marie C. Davis, Deputy

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AT PUBLIC MEETING

in the acknowledgment of their respective signature, effective as of the 1st day of November 1998, and shall be binding and enforceable on the undersigned their heirs, successors and assigns.

RANCHO VIEJO CATTLE COMPANY, LTD.

ANB CATTLE COMPANY, LTD.

By: Carlos Y. Benavides, Jr.
Carlos Y. Benavides, Jr., its
General Partner

By: Arturo N. Benavides, Jr.
Arturo N. Benavides, Jr.,
General Partner

Carlos Y. Benavides, Jr.
Carlos Y. Benavides, Jr.

By: Anna Gloria Benavides Galo
Anna Gloria Benavides Galo,
General Partner

Carlos Y. Benavides, III
Carlos Y. Benavides, III

By: Kirk R. Clovis
Kirk R. Clovis,
General Partner

Guillermo David Benavides
Guillermo David Benavides

Linda Cristina Benavides Alexander
Linda Cristina Benavides Alexander

Arturo N. Benavides, Sr.
Arturo N. Benavides, Sr.

Arturo N. Benavides, Jr.
Arturo N. Benavides, Jr.

Anna Gloria Benavides Galo
Anna Gloria Benavides Galo
Kirk R. Clovis
Kirk R. Clovis

AKA PROPERTIES, LTD.

By: Arturo N. Benavides, Sr., L.L.C.,
its General Partner

By: Arturo N. Benavides, Jr.
Arturo N. Benavides, Jr., Manager

By: Anna Gloria Benavides Galo
Anna Gloria Benavides Galo,
Manager

I, Henry Flores, County Clerk, Webb County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office.
Witness my hand and seal of office this 25th day of November 1998.

NOV 25 1998



Henry Flores, County Clerk
Maria Davis Deputy

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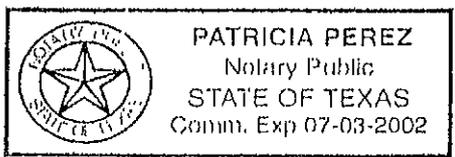
FEB 28 2013

AT PUBLIC MEETING

By: [Signature]
Kirk R. Clovis, Manager

STATE OF TEXAS §
COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of Nov., 1998, Carlos Y. Benavides, Jr., individually and as the General Partner of Rancho Viejo Cattle Company, Ltd.



[Signature]
NOTARY PUBLIC, In and for the State of Texas

STATE OF TEXAS §
COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of Nov., 1998, by Carlos Benavides, III.



[Signature]
NOTARY PUBLIC, In and for the State of Texas

STATE OF TEXAS §
COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of Nov., 1998, by Guillermo David Benavides.



[Signature]
NOTARY PUBLIC, In and for the State of Texas

I, Henry Flores, County Clerk, Webb County, Texas, do hereby certify that this is a true and correct copy as the same appears on record in my office.
Witness my hand and Seal of Office.

NOV 20 1998



Henry Flores, County Clerk
[Signature] Deputy

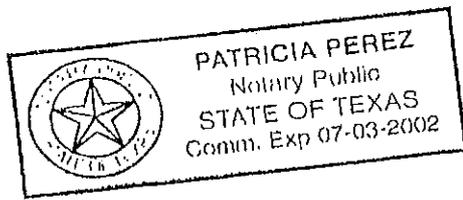
704 835

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FEB 28 2013
AT PUBLIC MEETING

STATE OF TEXAS §

COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of Nov., 1998, by Linda Cristina Benavides Alexander.



Patricia Perez
NOTARY PUBLIC, In and for the
State of Texas

STATE OF TEXAS §

COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of Nov., 1998, by Arturo N. Benavides, Jr., Individually and as General Partner of ANB CATTLE COMPANY, LTD. and as Manager of ARTURO N. BENAVIDES, SR., L.L.C., General partner of AKA PROPERTIES, LTD.



Oscar Torres, Jr.
NOTARY PUBLIC, In and for the
State of Texas

704 836

STATE OF TEXAS §

COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of Nov., 1998, by Anna Gloria Benavides Galo, Individually and as General Partner of ANB CATTLE COMPANY, LTD. and as Manager of ARTURO N. BENAVIDES, SR., L.L.C., General partner of AKA PROPERTIES, LTD.



Oscar Torres, Jr.
NOTARY PUBLIC, In and for the
State of Texas

I, Henry Flores, County Clerk, Webb County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office.
Witness my hand and Seal of Office on

NOV 24 1998



Henry Flores, County Clerk

Henry Flores
County Clerk

RECEIVED
FEB 28 2013
AT PUBLIC MEETING

STATE OF TEXAS §

COUNTY OF WEBB §

This instrument as acknowledged before me on this 17th day of Nov., 1998, by Kirk R. Clovis, individually and as General Partner of ANB CATTLE COMPANY, LTD. and as Manager of ARTURO N. BENAVIDES, SR., L.L.C., General partner of AKA PROPERTIES, LTD.



Oscar Torres, Jr.
NOTARY PUBLIC, In and for the
State of Texas

704 837

I, Henry Flores, County Clerk, Webb County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in the office.
Witness my hand and seal this 17th day of Nov. 1998.

NOV 20 1998



Henry Flores, County Clerk

Manic Davis Deputy

FEB 28 2013
PUBLIC MEETING

Vol 704 Pg 838 missing.

Field Notes for Tract 1 of Yugo Ranch

Being 9,726.2984 acres of land, more or less, out of and being a part of the original 16,258 acre Pescadito Ranch, consisting of pastures Retama Gorda, Llave, Lassos, and also containing a ranch headquarters pasture, said 9,726.2984 acres also being a part of a 5,000 acre tract; as per deed from Carlos Y. Benavides to A.N.B. Cattle Co. and Rancho Viejo Cattle Co., described in further detail and recorded on Dec-28-1989 in V. 1399, P. 262-73, Real Property Records of Webb County, Texas; said 9,726.2984 acres of land, more or less, consisting of the above mentioned pastures, being more particularly described by metes and bounds as follows:

BEGINNING at an existing fence post being the most Easterly Southeast corner of Survey 1926, Abstract 992, Manuel Collado, Original Grantee, said fence post also being the Southwest corner of Survey 1649, an exterior corner hereof, for the POINT OF BEGINNING of said 9,726.2984 acre tract;

(1) THENCE, South 42°48'18" West, a distance of 1781.08 feet, along the division line for the Yugo Ranch, same being a fence line, to a fence post along the southerly fence line of the Ranch Headquarters;

THENCE, continuing along said fence line, the following;
to Survey corner

- (2) South 26°38'34" East 574.02 feet
- South 71°09'04" West 373.63 feet
- North 73°58'57" West 1177.49 feet
- (5) North 85°32'05" West 91.00 feet
- South 04°27'55" West 61.00 feet
- North 85°32'05" West 98.30 feet
- South 66°13'37" West 64.86 feet
- South 08°58'37" West 834.57 feet
- (10) South 53°40'13" West 77.33 feet

THENCE, along said division fence line, the following;

- South 28°11'25" East 3756.70 feet
- South 37°08'03" West 5636.76 feet NE 120
- (15) South 07°07'43" East 5279.21 feet SE 120
- South 83°32'17" West 5292.82 feet SW 120
- South 26°06'56" West 208.66 feet
- South 84°24'54" West 758.51 feet
- South 79°30'48" West 2976.91 feet

(20) THENCE, along the existing outer boundary fence line of the aforementioned group of pastures, the following;

- South 89°43'49" West 3079.33 feet deflection left
- South 89°42'57" West 4154.43 feet exterior corner
- North 00°15'58" West 3271.98 feet deflection left
- (25) North 00°16'14" West 3301.53 feet NW 1601
- North 89°53'09" West 1644.73 feet SW 1994
- North 00°00'38" West 2514.16 feet NW 1994
- North 89°42'09" East 373.43 feet SW 1209
- North 00°02'50" West 2641.77 feet NW 1209
- North 89°51'23" East 2401.18 feet NE 1209

704 839



(30)	North 00°09'48" West	1297.72 feet	interior corner
	South 89°37'30" West	1318.93 feet	exterior corner
	North 00°21'52" West	1319.12 feet	deflection right
	North 00°12'22" West	2640.47 feet	interior corner
	South 89°52'42" West	1379.60 feet	US 59 South ROW
(35)	South 89°58'08" West	336.51 feet	US 59 North ROW
	South 89°56'22" West	923.99 feet	SW 1117
	North 00°00'43" East	5425.79 feet	NW 1117
	South 89°31'49" East	6074.99 feet	deflection left
	South 89°47'47" East	5157.63 feet	US 59 North ROW
(40)	South 89°39'06" East	257.48 feet	US 59 South ROW
	South 89°11'46" East	58.60 feet	deflection left
	South 89°32'40" East	469.31 feet	deflection right
	South 82°27'22" East	69.38 feet	NW 861
	South 65°01'08" East	5268.40 feet	NE 861
(45)	North 24°45'08" East	2042.80 feet	deflection right
	North 24°49'25" East	3268.96 feet	NE 862
	North 00°24'50" West	663.63 feet	NW 1927
	North 89°44'02" East	4076.08 feet	NE 1927
	South 00°22'58" East	2867.88 feet	deflection left
(50)	South 00°28'58" East	2857.19 feet	exterior corner
	South 88°02'27" West	226.58 feet	interior corner

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(52) THENCE, South 00°34'43" East, a distance of 2839.69 feet, continuing along said boundary fence line, to the POINT OF BEGINNING, and containing 9,726.2984 acres of land, more or less.

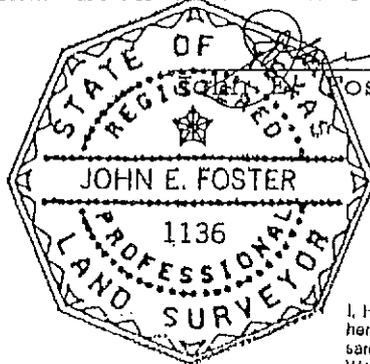
Note: 1) Save and Except 41.2 acres for U.S. Hwy. 59 Right Of Way acquisition as per V. 189, P. 93, D.R.W.C.T.
Note: 2) Basis of bearings taken from the North American Datum 1927 (NAD 27), with Global Positioning System (GPS), utilizing USGS Monument "Casa", for the N-E-E.

704
840

STATE OF TEXAS
COUNTY OF WEBB

I, John E. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief, and was prepared from an actual survey made on the ground on 27 March thru 06 April, 1996 and 20 July thru 10 August, 1997, under my direction and from office records available.

WITNESS MY HAND AND SEAL THIS 10th DAY OF AUGUST, 1997.



John E. Foster, R.P.L.S. #1136
P.E. #15851

D:\OFFICE\WPWIN\WPDOCS\YUGO-1.FG

I, Henry Flores, County Clerk, Webb County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office.
Witness my hand and seal of Office.

NOV 20 1998



Henry Flores, County Clerk
by *Blaine Barker* Deputy

FEB 28 2013

Field Notes for Tract 2

AT PUBLIC MEETING

Being 12,193.8423 acres of land, more or less, out of and being a part of the original 16,258 acre Pescadito Ranch, consisting of pastures El Yugo and Rancho Viejo, said 12,193.8423 acres also out of and being a part of a 5,000 acre tract; as per deed from Carlos Y. Benavides to A.N.B. Cattle Co. and Rancho Viejo Cattle Co., described in further detail and recorded on Dec-28-1989 in V. 1399, P. 262-73, Real Property Records of Webb County, Texas; said 12,193.8423 acres of land, more or less, consisting of the above mentioned pastures, being more particularly described by metes and bounds as follows:

BEGINNING at an existing fence post being the most Easterly Southeast corner of Survey 1926, Abstract 992, Manuel Collado, Original Grantee, said fence post also being the Southwest corner of Survey 1649, an exterior corner hereof, for the POINT OF BEGINNING of said 12,193.8423 acre tract;

- (1) THENCE, North 89°32'57" East, a distance of 8240.01 feet, along the existing outer boundary fence line of the aforementioned group of pastures, to a fence post being the Northeast corner of Survey 1653;

THENCE, continuing along said boundary fence line, the following;

- (2) South 00°04'51" East 6261.12 feet NW 373
South 80°34'28" East 5405.81 feet NE 373
South 09°15'22" West 5322.70 feet SE 373
(5) South 14°20'05" West 1856.50 feet deflection right
South 14°24'42" West 4002.73 feet SE 111
North 75°27'44" West 4945.86 feet NE 2248
South 68°26'01" West 128.31 feet NW 259
South 61°25'40" East 5391.19 feet NE 259
(10) South 29°01'12" West 5258.58 feet SE 259
North 61°24'22" West 2861.25 feet interior corner
South 00°26'36" East 4886.21 feet deflection right
South 00°25'17" East 4265.49 feet SE 1641
South 89°35'16" West 2060.30 feet RxR North Line
(15) South 89°28'13" West 133.65 feet RxR South Line
South 89°25'03" West 2769.21 feet exterior corner
North 00°26'57" West 856.55 feet NE 572
South 89°36'11" West 2280.73 feet SW 1641
North 01°00'19" West 697.52 feet SE 2078
(20) South 89°38'44" West 1568.35 feet SW 2078
South 11°07'55" West 1370.47 feet SE 11
North 72°47'52" West 3023.46 feet deflection right
North 09°30'05" East 51.92 feet deflection left
North 79°34'51" West 1571.16 feet SW 11
(25) North 10°27'45" East 655.75 feet interior corner
South 89°43'57" West 619.85 feet SW 2075
South 00°41'55" East 479.98 feet SE 1616
South 89°39'46" West 2652.89 feet RxR South Line
South 89°28'41" West 193.07 feet RxR North Line
(30) South 89°36'51" West 2035.11 feet SW hereof
North 00°25'17" West 3999.43 feet deflection right
North 00°24'37" West 4677.26 feet deflection left
North 00°25'09" West 4598.68 feet westerly corner

704 841



THENCE, along the division line for the Yugo Ranch, same being a fence line, the following;

- North 79°30'48" East 2976.91 feet
- (35) North 84°24'54" East 758.51 feet
- North 26°06'56" East 208.66 feet SW 120
- North 83°32'17" East 5292.82 feet SE 120
- North 07°07'43" West 5279.21 feet NE 120
- North 37°08'03" East 5636.76 feet
- (40) North 28°11'25" West 3756.70 feet

THENCE, continuing along the division line for the Yugo Ranch, same being the southerly fence line of the Ranch Headquarters, the following;

- North 53°40'13" East 77.33 feet
- North 08°58'37" East 834.57 feet
- North 66°13'37" East 64.86 feet
- South 85°32'05" East 98.30 feet
- (45) North 04°27'55" East 61.00 feet
- South 85°32'05" East 91.00 feet
- South 73°58'57" East 1177.49 feet
- North 71°09'04" East 373.63 feet
- (49) North 26°38'34" West 574.02 feet

(50) THENCE, North 42°48'18" East, a distance of 1781.08 feet, along said division fence line, to the POINT OF BEGINNING, and containing 12,193.8423 acres of land, more or less.

Note: 1) Basis of bearings taken from the North American Datum 1927 (NAD 27), with Global Positioning System (GPS), utilizing USGS Monument "Casa", for the N-E-E.

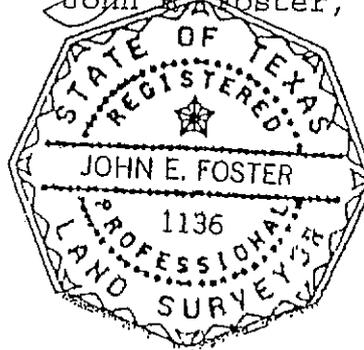
STATE OF TEXAS
COUNTY OF WEBB

I, John E. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief and was prepared from an actual survey made on the ground on 27 March thru 06 April, 1996 and 20 July thru 10 August, 1997, under my direction and from office records available.

WITNESS MY HAND AND SEAL THIS 10th DAY OF AUGUST, 1997.

John E. Foster
John E. Foster, R.P.L.S. #1136
P.E. #15851

D:\OFFICE\WPWIN\WPDOCS\YUGO-1.FG



I, Henry Flores, County Clerk, Webb County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office.
Witness my hand and Seal of Office.

NOV 20 1998



Henry Flores, County Clerk
by *Monica Davis* Deputy

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AT PUBLIC MEETING

704 842

Survey

of a 1,093.3849 Acre Tract out of an original 5,000 Acs.,
as per V. 1219, P. 944-8, RPRWCT, Webb County, Texas



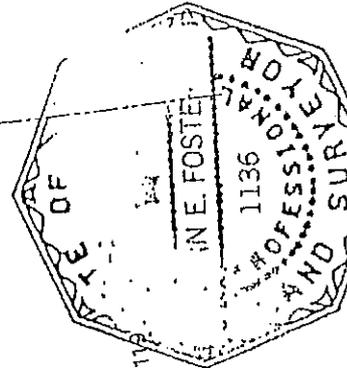
Henry Flores, County Clerk, Webb County, Texas
I hereby certify that this is a true and correct copy as the same appears of record in my office.
Witness my hand and Seal of Office this 20th day of November 1998.

NOV 20 1998

P.O.R. for 1,093.3849 Ac. is
a found 2"Ø Disk marked
"N.E. Survey 120".

Point of Beginning for this
1,093.3849 Ac. Tract is a found
iron rod marking the east end of
a division line of a 5,000 Ac. Tract.

2"Ø DISK MARKED
"S.E. SURVEY 120"



John E. Foster, RPLS #1136
Surveyed: 20 July 1997
By: Foster Engineering, Co.

I, John E. Foster, a Registered Professional Land
Surveyor, do hereby certify that the foregoing
survey is true and correct to my best knowledge
and was prepared from an actual survey made
on the ground, on 20 July 1997, under my direction
and from office records available.
Witness my hand and seal this 10 August 1997.

Henry Flores, County Clerk, Webb County, Texas
I hereby certify that this is a true and correct copy as the same appears of record in my office.
Witness my hand and Seal of Office this 20th day of November 1998.

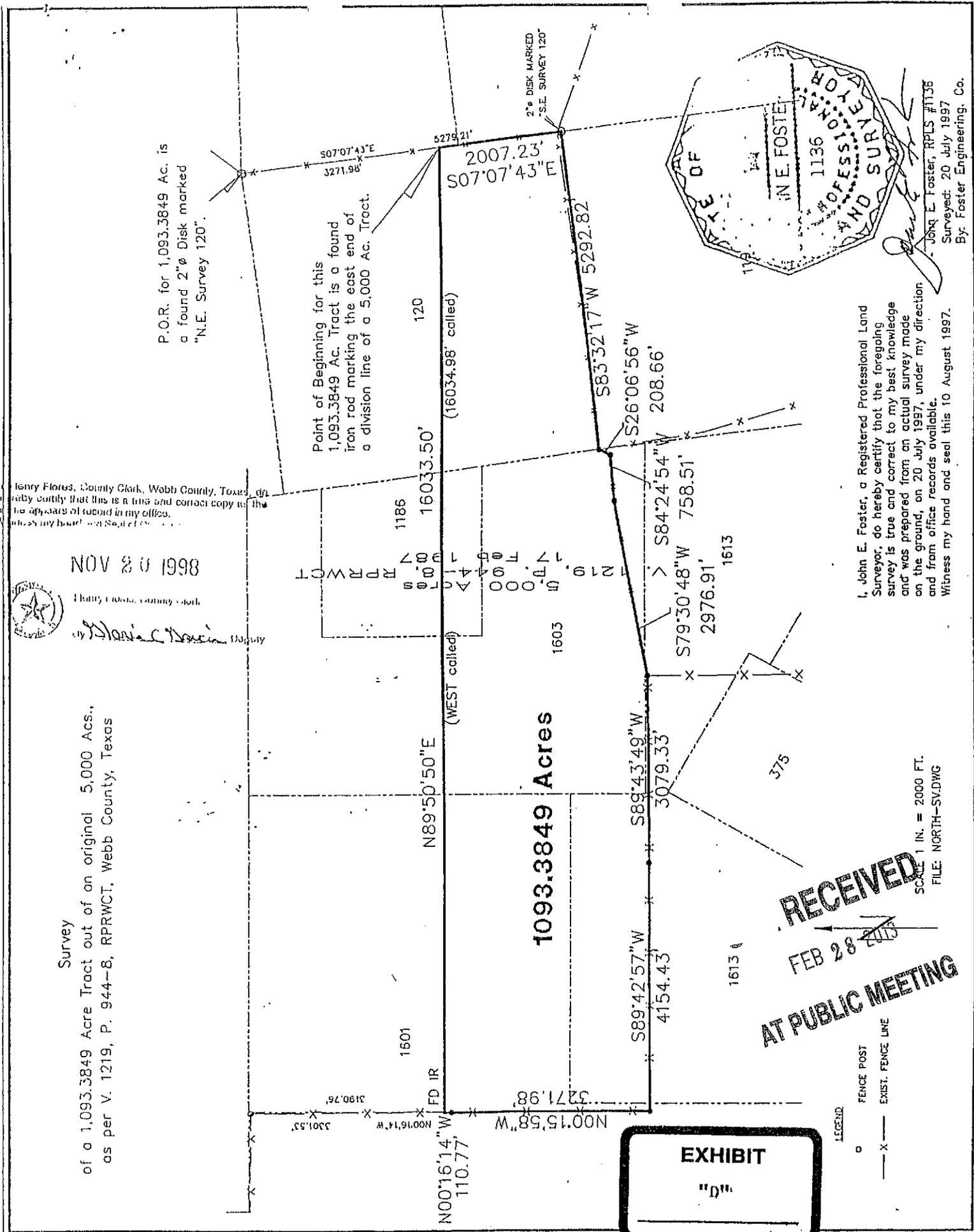


EXHIBIT
"D"

LEGEND
○ FENCE POST
— X — EXIST. FENCE LINE

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AT PUBLIC MEETING

SCALE 1 IN. = 2000 FT.
FILE: NORTH-SV.DWG

704 843

RECEIVED
FEB 28 2013
PUBLIC MEETING

Field Notes for North section of the South Valle Pasture

Being 1,093.3849 acres of land, more or less, out of an original 5,000 acre pasture known as the North Valle & South Valle; as per deed from Carlos Y. Benavides to A.N.B. Cattle Co. and Rancho Viejo Cattle Co., described in further detail and recorded on Dec-28-1989 in V. 1399, P. 262-73, Real Property Records of Webb County, Texas; said 1,093.3849 acres of land, more or less, being more particularly described by metes and bounds as follows:

COMMENCING at a found 2" disk marked "N.E. Survey 120", THENCE South 07°07'43" East, a distance of 3271.98 feet, along the Easterly line of Survey 120, to a found iron rod marking the east end of a division line of the a 5,000 acre tract as per V. 1219, P. 944-8, Real Property Records of Webb County, Texas, the POINT OF BEGINNING of said 1,093.3849 acre tract;

- (1) THENCE, South 07°07'43" East, at a distance of 2007.23 feet, along the East boundary line of Survey 120, to a found 2" disk marked "S.E. Survey 120", for the most Easterly corner hereof; to Survey corner
- (2) South 83°32'17" West 5292.82 feet SW 120
 South 26°06'56" West 208.66 feet
 South 84°24'54" West 758.51 feet
- (5) South 79°30'48" West 2976.91 feet
 South 89°43'49" West 3079.33 feet deflection left
 South 89°42'57" West 4154.43 feet exterior corner
- (8) North 00°15'58" West 3271.98 feet deflection left
- (9) THENCE, North 00°16'14" West, a distance of 110.77 feet, along the West boundary line of Survey 1601, to a found iron rod marking the west end of the mentioned division line of a 5,000 acre tract, for the most westerly corner hereof;
- (10) THENCE, North 89°50'50" East, a distance of 16033.50 feet, along said division line, to the POINT OF BEGINNING, and containing 1,093.3849 acres of land, more or less.

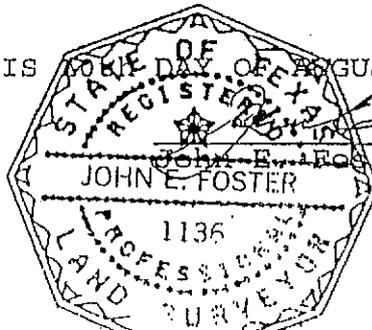
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Note: Basis of bearings taken from the North American Datum 1927 (NAD 27), with Global Positioning System (GPS), utilizing USGS Monument "Casa", for the N-E-E.

STATE OF TEXAS
COUNTY OF WEBB

I, John E. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief and was prepared from an actual survey made on the ground on March 27 thru April 06, 1996 under my direction and from office records available.

WITNESS MY HAND AND SEAL THIS 10th DAY OF AUGUST, 1997.



John E. Foster, R.P.L.S. #1136
P.E. #15851



Field Notes for Ranch Headquarters Pasture

Being 45.2619 acres of land, more or less, out of and being a part of the original 16,258 acre Pascadito Ranch, consisting of pastures Retama Gorda, Llave, Lassos, El Yugo, & Rancho Viejo, and also containing a ranch headquarters pasture, as per deed from Carlos Y. Benavides to A.N.B. Cattle Co. and Rancho Viejo Cattle Co., described in further detail and recorded on Dec-28-1989 in V. 1399, P. 262-73, Real Property Records of Webb County, Texas; said 45.2619 acres of land, more or less, consisting of the ranch headquarters pasture, being more particularly described by metes and bounds as follows:

COMMENCING at an existing fence post being the most Easterly Southeast corner of Survey 1926, Abstract 992, Manuel Collado, Original Grantee, said fence post also being the Southwest corner of Survey 1649; THENCE, South 42°48'18" West, a distance of 1781.08 feet, along an existing fence line to a fence corner, the Northeast corner hereof, for the POINT OF BEGINNING of said 45.2619 acre tract;

- (1) THENCE, South 26°38'34" East, a distance of 574.02 feet, along an existing fence to a fence corner, the most Easterly corner hereof;

THENCE, continuing along said fence line, the following;

- (2) South 71°09'04" West 373.63 feet
- North 73°58'57" West 1177.49 feet
- North 85°32'05" West 91.00 feet
- (5) South 04°27'55" West 61.00 feet
- North 85°32'05" West 98.30 feet
- South 66°13'37" West 64.86 feet
- South 08°58'37" West 834.57 feet
- South 53°40'13" West 77.33 feet
- (10) North 43°04'26" West 63.11 feet
- South 87°05'36" West 13.11 feet
- North 70°50'50" West 1682.45 feet
- North 09°17'36" East 12.57 feet
- North 68°16'19" East 1730.12 feet
- (15) North 81°21'32" East 108.56 feet
- North 89°46'28" East 292.60 feet
- South 19°03'21" East 27.40 feet
- South 04°59'22" West 49.63 feet
- South 83°04'30" East 25.29 feet
- (20) North 45°28'32" East 57.51 feet
- South 89°36'24" East 45.73 feet
- (22) North 78°08'16" East 160.27 feet

704 845

RECEIVED
FEB 28 2013
AT PUBLIC MEETING

I, Henry Flores, County Clerk, Webb County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office.
Witness my hand and Seal this 28th day of February, 2013.



NOV 20 1998



Henry Flores, County Clerk
By: *Manuel Davila* Deputy

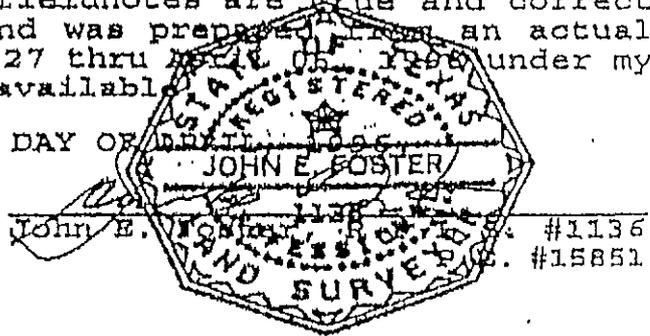
(23) THENCE, South $89^{\circ}23'09''$ East, a distance of 1035.44 feet, continuing along said fence line to the POINT OF BEGINNING, and containing 45.2619 acres of land, more or less.

Note: Basis of bearings taken from the North American Datum 1927 (NAD 27), with Global Positioning System (GPS), utilizing USGS Monument "Casa", for the N-E-E.

STATE OF TEXAS
COUNTY OF WEBB

I, John E. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief and was prepared from an actual survey made on the ground on March 27 thru April 05, 1998 under my direction and from office records available.

WITNESS MY HAND AND SEAL THIS 18th DAY OF APRIL 1998



File: YUGO-1.FG

704 846

RECEIVED
FEB 28 2013
AT PUBLIC MEETING

I, Henry Flores, County Clerk, Webb County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office.
Witness my hand and Seal of Office.

NOV 20 1998



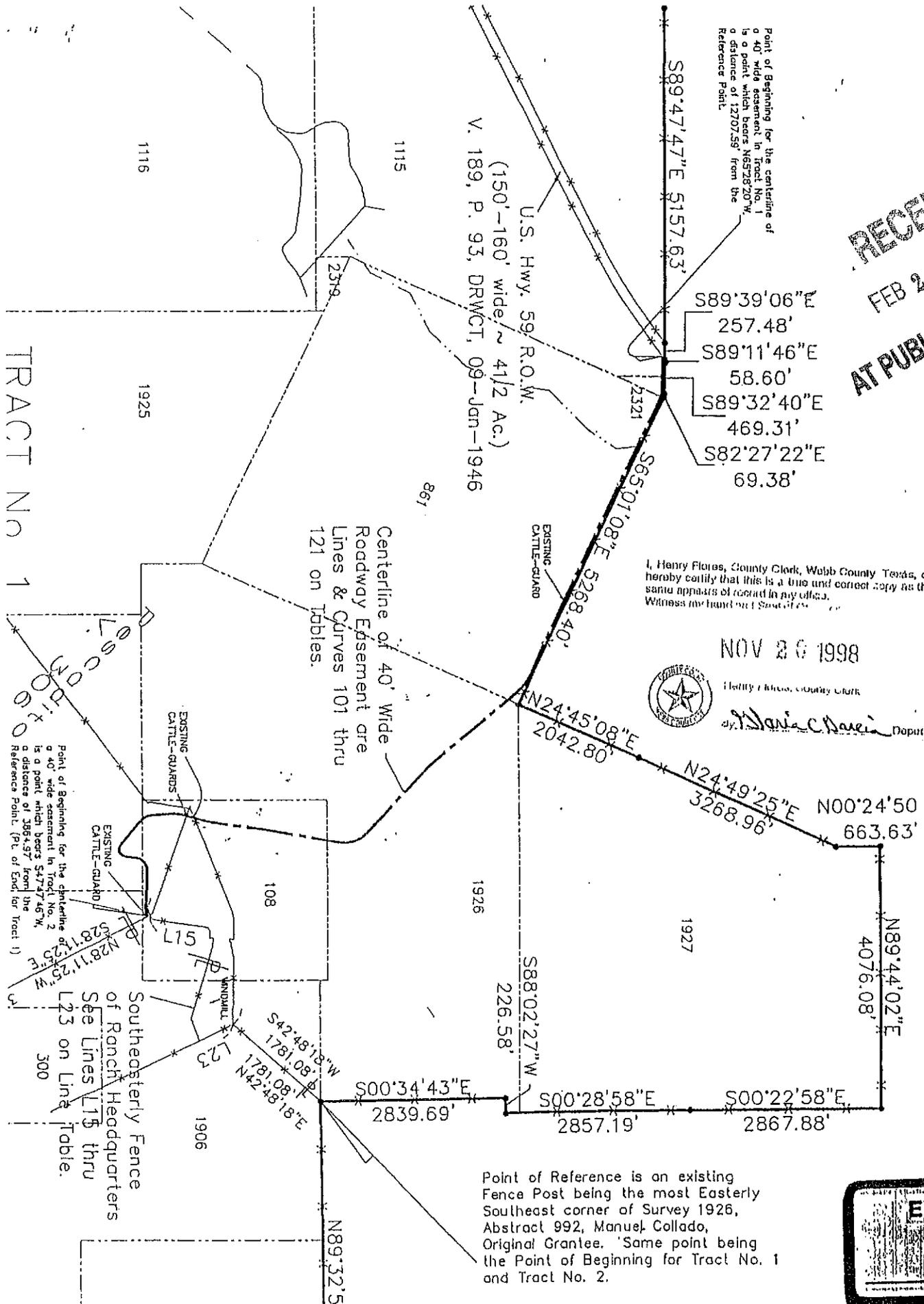
Henry Flores, County Clerk

By Maria C. Davis Deputy

RECEIVED
FEB 28 2013
AT PUBLIC MEETING

704 847

TRACT NO 1



I, Henry Flores, County Clerk, Webb County Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office.
 Witness my hand and seal of office.



NOV 26 1998
 Henry Flores, County Clerk
 By: *Manuel Collado* Deputy



Field Notes for Centerline of 40' Wide Road Easement in Tract 1

Being the centerline of a 40' wide road easement, out of the original 16,258 acre Pescadito Ranch; as per deed from Carlos Y. Benavides to A.N.B. Cattle Co. and Rancho Viejo Cattle Co., described in further detail and recorded on Dec-28-1989 in V. 1399, P. 262-73, Real Property Records of Webb County, Texas; said centerline of 40' wide road easement, being more particularly described by metes and bounds as follows:

COMMENCING at an existing fence post being the most Easterly Southeast corner of Survey 1926, Abstract 992, Manuel Collado, Original Grantee, said fence post also being the Southwest corner of Survey 1649; THENCE, North 65°28'20" West, a distance of 12707.59 feet, to the centerline of said 40' wide road easement, the most Northerly point hereof, for the POINT OF BEGINNING of said centerline;

THENCE, along the centerline of the 40' wide road easement, the following line and curves;

LINE # CURVE #	BEARING RADIUS	ARC	DISTANCE TAN	DIR-DELTA	
L101	S89°10'16"E		486.91'		to P.C.
C102	550.00'	231.97'	117.73'	R 24°09'54"	to P.T.
L103	S65°00'23"E		3397.63'		
L104	S65°34'35"E		1226.71'		to P.C.
C105	950.00'	415.17'	210.95'	R 25°02'21"	to P.T.
L106	S40°32'14"E		1756.09'		
L107	S46°35'26"E		1411.75'		to P.C.
C108	500.00'	497.37'	271.45'	R 56°59'41"	to P.T.
L109	S10°24'15"W		1081.55'		
L110	S07°55'36"W		906.39'		
L111	S17°11'34"W		330.54'		to P.C.
C112	575.00'	207.54'	104.91'	L 20°40'48"	to P.T.
L113	S03°29'14"E		299.78'		to P.C.
C114	250.00'	206.33'	109.45'	L 47°17'11"	to P.T.
L115	S50°46'25"E		469.80'		to P.C.
C116	115.00'	246.71'	211.43'	L 122°54'54"	to P.T.
L117	N06°18'41"E		159.60'		to P.C.
C118	175.00'	260.06'	160.77'	R 85°08'46"	to P.T.
L119	S88°32'33"E		597.86'		to P.C.
C120	450.00'	124.49'	62.64'	L 15°51'01"	to P.T.

THENCE N75°36'28"E, a distance of 11.34' to the POINT OF ENDING of this centerline for said 40' wide road easement, said ending point bears South 47°47'46" West, a distance of 3684.97' to the commencing point.

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848

RECEIVED

FEB 28 2013

AT PUBLIC MEETING

I, Henry Flores, County Clerk, Webb County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office.
Witness my hand and Seal of Office.



NOV 20 1998

Henry Flores, County Clerk

by Maria Davila, Deputy



Note: 1) Basis of bearings taken from the North American Datum 1927 (NAD 27), with Global Positioning System (GPS), utilizing USGS Monument "Casa", for the N-E-E.

STATE OF TEXAS
COUNTY OF WEBB

I, John E. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief and was prepared from an actual survey made on the ground on 27 March thru 06 April, 1996 and 20 July thru 10 August, 1997, under my direction and from office records available.

WITNESS MY HAND AND SEAL THIS 10th DAY OF AUGUST, 1997.


John E. Foster, R.P.L.S. #1136
P.E. #15851

D:\OFFICE\WPWIN\WPDOCS\YUGO-1.FG



704
849

RECEIVED

FEB 28 2013

AT PUBLIC MEETING

I, Henry Flores, County Clerk, Webb County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office.
Witness my hand and Seal of Office

NOV 20 1998



Henry Flores, County Clerk

 Deputy

Centerline of 40' Wide Roadway Easement are Lines & Curves 101 thru 121 on Tables.

226.58
1926

Point of Reference is on existing Fence Post being the most Easterly Southeast corner of Survey 1926, Abstract 992, Manuel Collado, Original Grantee. Same point being the Point of Beginning for Tract No. 1 and Tract No. 2.

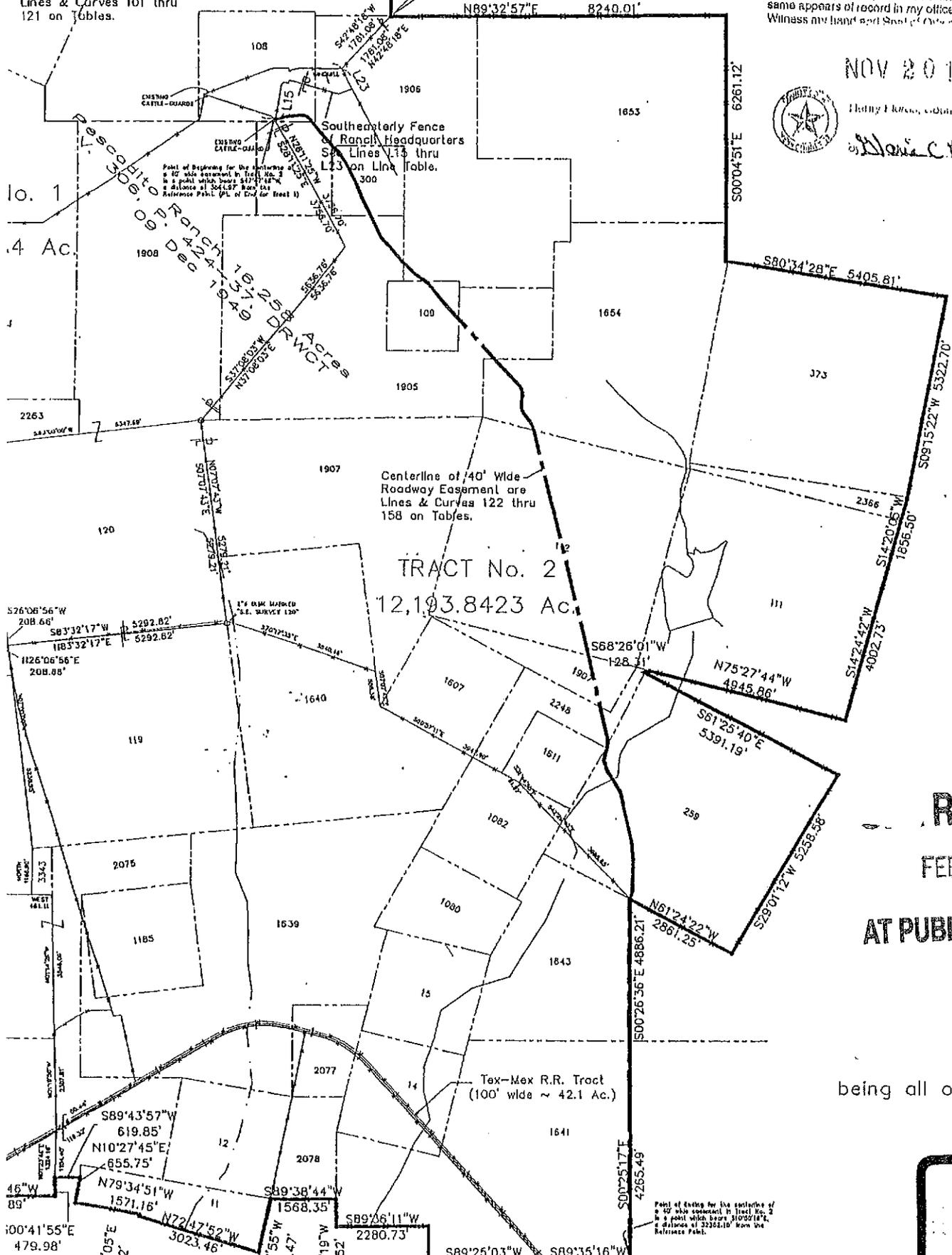
I, Henry Flores, County Clerk, Webb County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office.
Witness my hand and Seal of Office on

NOV 20 1998



Henry Flores, County Clerk

Blanca C. Davis, Deputy



704 850

RECEIVED

FEB 28 2013

AT PUBLIC MEETING

being all of the
AS



Field Notes for Centerline of 40' Wide Road Easement in Tract 2

Being the centerline of a 40' wide road easement, out of the original 16,258 acre Pescadito Ranch; as per deed from Carlos Y. Benavides to A.N.B. Cattle Co. and Rancho Viejo Cattle Co., described in further detail and recorded on Dec-28-1989 in V. 1399, P. 262-73, Real Property Records of Webb County, Texas; said centerline of 40' wide road easement, being more particularly described by metes and bounds as follows:

COMMENCING at an existing fence post being the most Easterly Southeast corner of Survey 1926, Abstract 992, Manuel Collado, Original Grantee, said fence post also being the Southwest corner of Survey 1649; THENCE, South 47°47'46" West, a distance of 3864.97 feet, to the centerline of said 40' wide road easement, the most Westerly point hereof, for the POINT OF BEGINNING of said centerline;

THENCE, along the centerline of the 40' wide road easement, the following lines and curves;

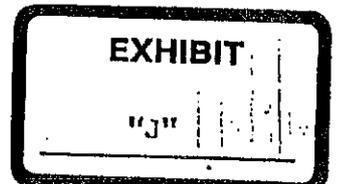
LINE #	BEARING	DISTANCE	DIR-DELTA	
CURVE #	RADIUS	ARC	TAN	
L122	N75°36'26"E	303.75'		
L123	N82°55'20"E	329.72'		to P.C.
C124	250.00'	258.19'	141.94'	R 59°10'22" to P.T.
L125	S37°54'18"E	525.71'		
L126	S41°32'39"E	672.93'		to P.C.
C127	1000.00'	265.22'	133.40'	R 15°11'46" to P.T.
L128	S26°20'52"E	553.95'		
L129	S20°29'26"E	413.29'		
L130	S25°22'39"E	1143.68'		
L131	S41°44'50"E	583.25'		
L132	S38°04'13"E	266.68'		
L133	S46°03'57"E	378.13'		
L134	S53°08'41"E	433.45'		
L135	S39°43'06"E	704.44'		
L136	S41°13'40"E	2183.06'		
L137	S42°35'05"E	599.59'		to P.C.
C138	330.00'	288.34'	154.10'	R 50°03'43" to P.T.
L139	S07°28'37"W	161.29'		to P.C.
C140	440.00'	335.13'	176.16'	L 43°38'22" to P.T.
L141	S36°09'44"E	211.69'		to P.C.
C142	800.00'	326.41'	165.51'	R 23°22'37" to P.T.
L143	S12°47'07"E	1735.89'		
L144	S15°46'04"E	482.77'		
L145	S12°59'50"E	3418.58'		
L146	S12°21'56"E	2394.85'		to P.C.
C147	650.00'	309.48'	157.73'	R 27°16'47" to P.T.
L148	S14°54'51"W	282.51'		
L149	S16°30'39"E	240.66'		
L150	S24°52'37"E	136.15'		
L151	S30°30'45"E	558.81'		
L152	S10°41'15"E	279.01'		
L153	S12°32'18"E	995.63'		
L154	S06°20'45"E	458.72'		
L155	S00°55'42"W	887.17'		
L156	S23°56'41"W	175.77'		
L157	S00°26'36"E	4886.20'		

704 851

RECEIVED

FEB 28 2013

AT PUBLIC MEETING



THENCE S00°25'17"E, a distance of 4265.49' to the POINT OF ENDING of this centerline for said 40' wide road easement, said ending point bears South 10°50'16" East, a distance of 32352.10 feet from the commencing point.

Note: 1) Basis of bearings taken from the North American Datum 1927 (NAD 27), with Global Positioning System (GPS), utilizing USGS Monument "Casa", for the N-E-E.

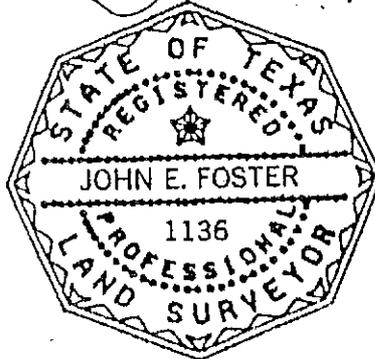
STATE OF TEXAS
COUNTY OF WEBB

I, John E. Foster, a Registered Professional Land Surveyor, do hereby certify that the foregoing fieldnotes are true and correct to my best knowledge and belief and was prepared from an actual survey made on the ground on 27 March thru 06 April, 1996 and 20 July thru 10 August, 1997, under my direction and from office records available.

WITNESS MY HAND AND SEAL THIS 10th DAY OF AUGUST, 1997.

John E. Foster
John E. Foster, R.P.L.S. #1136
P.E. #15851

D:\OFFICE\WPWIN\WPDOCS\YUGO-1.FG



704 852

RECEIVED

FEB 28 2013

AT PUBLIC MEETING

THE STATE OF TEXAS
COUNTY OF WEBB || I, HENRY FLORES, Clerk
of the County Court of Webb County, Texas, do hereby
certify that the foregoing is a true and correct copy of the
original *of the original copy as the same*
appears on record in my office, in Vol. *104* Page(s) *827-852*
of the *Official Public* Records of Webb County, Texas.
Witness my Hand and Seal of Office this the *20*
day of *November* A.D., 19 *98*

HENRY FLORES
COUNTY CLERK
FILED
98 NOV 19 PM 4:50
WEBB COUNTY, TEXAS
BY _____ DEPUTY

HENRY FLORES, Webb County Clerk
Webb County, Texas
By *Maria C. Garcia* Deputy

Marisa Weber

From: PUBCOMMENT
Sent: Wednesday, August 08, 2012 7:26 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2374

*msw
7/7/21*

H

From: PUBCOMMENT-OCC
Sent: Monday, August 06, 2012 10:00 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 2374

From: lgkeller@att.net [mailto:lgkeller@att.net]
Sent: Monday, July 30, 2012 5:36 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

REGULATED ENTY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: MRS Lilia G. Cavazos-Keller

E-MAIL: lgkeller@att.net

COMPANY:

ADDRESS: 134 BRITTANY
SAN ANTONIO TX 78212-1720

PHONE: 2102396553

FAX:

msw

COMMENTS: I object to the landfill that is being proposed off of Highway 359 near Laredo, Texas . My family owns 575.83 acres (survey no. 374, Abstract 2125 & Abstract 1120, Survey 1657); this property has been owned and managed by the Cavazos family for years. We object to the approval of the new Permit # 2374 for the following reasons: 1) It will devalue our property 2) It will pollute the land and the water tanks 3) It will interfere with the usual and acceptable use of the land 4) It will cause adverse conditions for wildlife and domestic animals 5) It will cause traffic congestion 6) It will generate unacceptable odors 7) It will attract rodents and other pests foreign to the area. I would like to request a public hearing to allow for our questions and concerns to be heard. Thank you for your consideration. Sincerely, Lilia Cavazos-Keller

TCEQ Public Meeting Form
February 28, 2013

Rancho Viejo Waste Management, LLC
Municipal Solid Waste
Permit No. 2374

PLEASE PRINT

Name: Lilia Keller

Mailing Address: 134 Brittany ~~SEA~~

Physical Address (if different): _____

City/State: San Antonio Zip: 78212

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

Email: lgkeller@att.net ✓

Phone Number: (210) 239-6553

• 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

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 7/21/2011 1:45 PM
Subject: CORRECTION Fwd: Public comment on Permit Number 2374
Place: PUBCOMMENT-OCC2

msw
7-7-11

HR

>>> PUBCOMMENT-OPA 7/21/2011 10:22 AM >>>

>>> PUBCOMMENT-OCC 7/20/2011 4:48 PM >>>

>>> <ric1217@att.net> 7/20/2011 4:46 PM >>>

REGULATED ENTY NAMEPESCADITO ENVIRONMENTAL RESOURCE CENTER
RN NUMBER:RN106119639
PERMIT NUMBER:2374
DOCKET NUMBER:
COUNTY:WEBB
PRINCIPAL NAME:RANCHO VIEJO WASTE MANAGEMENT LLC
CN NUMBER:CN603835489
FROM
NAME:Rosemary Jordan Contreras
E-MAIL:ric1217@att.net
COMPANY:Jordan Ranch
ADDRESS:1217 SAINT PATRICK DR
LAREDO TX 78045-7589
PHONE:9567241833
FAX:9567241833
COMMENTS:I Rosemary Jordan Contreras would like a Public Hearing.

msw

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 7/21/2011 10:22 AM
Subject: Fwd: Public comment on Permit Number 2374
Place: PUBCOMMENT-OCC2

MSW
77621

>>> PUBCOMMENT-OCC 7/20/2011 4:48 PM >>>

>>> <rjc1217@att.net> 7/20/2011 4:46 PM >>>

REGULATED ENTY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER
RN NUMBER: RN106119639
PERMIT NUMBER: 2374
DOCKET NUMBER:
COUNTY: WEBB
PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC
CN NUMBER: CN603835489
FROM
NAME: Rosemary Jordan Contreras
E-MAIL: rjc1217@att.net
COMPANY: Jordan Ranch
ADDRESS: 1217 SAINT PATRICK DR
LAREDO TX 78045-7589
PHONE: 9567241833
FAX: 9567241833
COMMENTS: I Rosemary Jordan Contreras would like a Public Hearing.

MSW

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 7/21/2011 10:26 AM
Subject: Fwd: Public comment on Permit Number 2374
Place: PUBCOMMENT-OCC2
Attachments: Office of the Chief Clerk- WM Case.docx

*MSW
77621*

HR

>>> PUBCOMMENT-OCC 7/20/2011 3:11 PM >>>

>>> <rjc1217@att.net> 7/20/2011 2:51 PM >>>

REGULATED ENTITY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: Rosemary Jordan Contreras

E-MAIL: rjc1217@att.net

COMPANY: Jordan Ranch

ADDRESS: 1217 SAINT PATRICK DR

LAREDO TX 78045-7589

PHONE: 9567241833

FAX: 9567241833

COMMENTS: I object to the proposed landfill. Location of my property: ABST2624-1642 F C Jordan 14.32 acres AND ABST 1296-1643 GC & SF 50.133 acres. This property is right next door(across the fence) to the proposed landfill. I definitely do not want this at my front yard. Specific description of adverse affects by the facility: Devaluation of property; pollution of land and underground water; unsightly conditions; adverse conditions for wildlife and domestic animals; interference with the usual and acceptable use of land; traffic congestion; foreign waste material, rodents and other pests foreign to the area and unacceptable odor. I request a contested case hearing.

MSW

Marisa Weber

From: PUBCOMMENT
Sent: Tuesday, March 26, 2013 9:31 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2374
Attachments: Colonia Children 3.pdf

*msw
77621*

From: PUBCOMMENT-OCC
Sent: Tuesday, March 26, 2013 7:15 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 2374

From: rjc1217@att.net [mailto:rjc1217@att.net]
Sent: Monday, March 25, 2013 11:26 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

REGULATED ENTY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: Rosemary Jordan Contreras

E-MAIL: rjc1217@att.net

COMPANY:

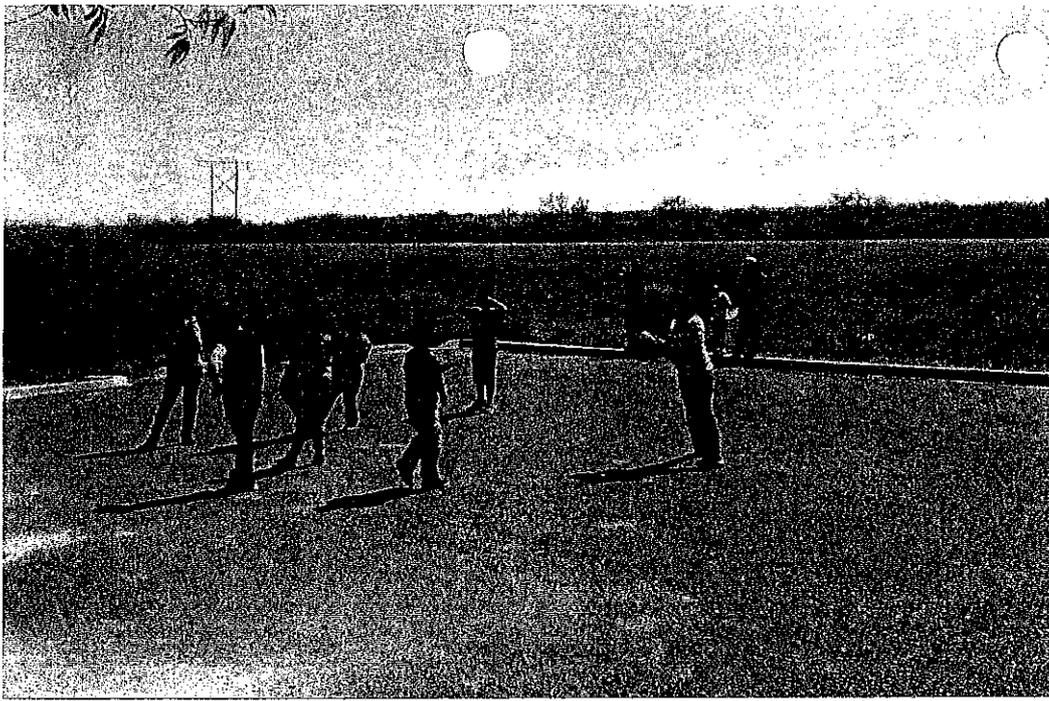
ADDRESS: 1217 SAINT PATRICK DR
LAREDO TX 78045-7589

PHONE: 9567241833

msw

FAX:

COMMENTS: This is picture #3 of the children from the Colonias (Ranchitos) on Hwy. 59 who will be adversely affected in more than one way. I have personally spoken to some of the children and their mothers and they are most definitely Opposed to having a landfill in their backyard.



Marisa Weber

From: PUBCOMMENT
Sent: Tuesday, March 26, 2013 9:30 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2374
Attachments: Colonia Children 1.pdf

MSW
27621

From: PUBCOMMENT-OCC
Sent: Tuesday, March 26, 2013 7:15 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 2374

From: rjc1217@att.net [<mailto:rjc1217@att.net>]
Sent: Monday, March 25, 2013 11:17 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

REGULATED ENTY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: Rosemary Jordan Contreras

E-MAIL: rjc1217@att.net

COMPANY:

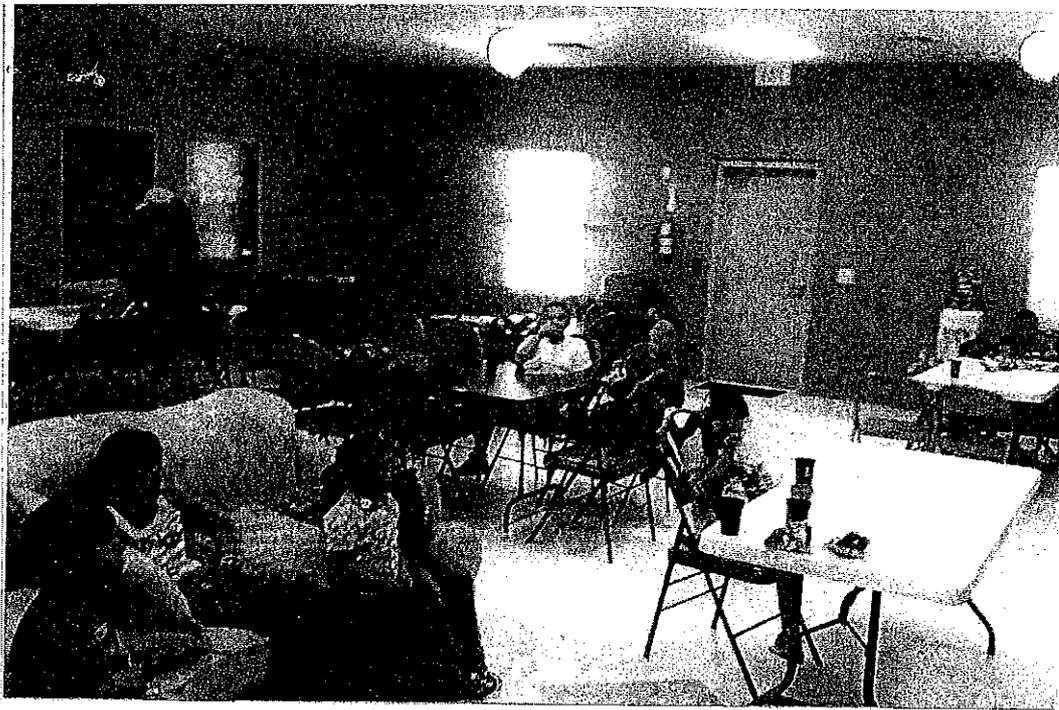
ADDRESS: 1217 SAINT PATRICK DR
LAREDO TX 78045-7589

PHONE: 9567241833

MSW

FAX:

COMMENTS: This is picture #1 of the children from the Colonias (Ranchitos) on Hwy. 59 who will be adversely affected in more than one way. I have personally spoken to some of the children and their mothers and they are most definitely opposed to having a landfill in their backyard.



Marisa Weber

From: PUBCOMMENT
Sent: Tuesday, March 26, 2013 9:31 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2374
Attachments: Colonia Children 2.pdf

*msw
77621*

From: PUBCOMMENT-OCC
Sent: Tuesday, March 26, 2013 7:15 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 2374

From: rjc1217@att.net [<mailto:rjc1217@att.net>]
Sent: Monday, March 25, 2013 11:21 PM
To: doNotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

REGULATED ENTY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: Rosemary Jordan Contreras

E-MAIL: rjc1217@att.net

COMPANY:

ADDRESS: 1217 SAINT PATRICK DR
LAREDO TX 78045-7589

PHONE: 9567241833

msw

FAX:

COMMENTS: This is picture #2 of the children from the Colonias (Ranchitos) on Hwy. 59 who will be adversely affected in more than one way. I have personally spoken to some of the children and their mothers and they are most definitely Opposed to having a Landfill in their backyard.



Marisa Weber

From: PUBCOMMENT
Sent: Wednesday, March 13, 2013 2:20 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2374
Attachments: Rosemary's Letter.docx

*msw
77021*

From: PUBCOMMENT-OCC
Sent: Wednesday, March 13, 2013 10:36 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 2374

From: rjc1217@att.net [<mailto:rjc1217@att.net>]
Sent: Tuesday, March 12, 2013 6:18 PM
To: doNotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

REGULATED ENTY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: Rosemary Jordan Contreras

E-MAIL: rjc1217@att.net

COMPANY:

ADDRESS: 1217 SAINT PATRICK DR
LAREDO TX 78045-7589

PHONE: 9567241833

msw

FAX:

COMMENTS: I, Rosemary Jordan Contreras, own 64.453 acres approximately one (1) mile south of the proped waste management facility. The location of my property: ABST 2624-1624 F C Jordan, 14.32 acres and ABST 1296-1643 GC & SF, 50.133 acres. If allowed, the vehicles transporting the waste to the proposed site will run alongside my property. I OPPOSE the approval of permit #2374 and I am not in agreement with your preliminary decision that the location is compatible with surrounding land uses.

Office of the Chief Clerk, TCEQ
Mail Code MC-105
P. O. Box 13087
Austin, Texas 78711-3087

March 12, 2013

**RE: Pescadito Environmental Resource Center – Webb County
Municipal Solid Waste (MSW) Proposed Permit No. 2374**

To Whom It May Concern,

I, Rosemary Jordan Contreras, own 64.453 acres approximately one (1) mile south of the proposed landfill facility. The location of my property: ABST 2624-1642 F C Jordan, 14.32 acres and ABST 1296-1643 GC & SF, 50.133 acres. If allowed, the vehicles transporting the waste to the proposed facility will run alongside my property.

I oppose the approval of permit #2374 and I am not in agreement with the TCEQ's preliminary decision that the location is compatible with surrounding land uses for the following reasons:

- 1) Because 43 percent of the 1,100 acres of the proposed site is in the 100-year floodplain, I believe your determination for compatible land use has been made without sufficient investigation for how water enters or leaves the proposed site and surrounding tracts of ranch land. The application does not specifically address flood plain issues that may result in contamination of ours and other neighboring tracts by flowing water. I cite Texas Administrative Code (TAC) Section 330.547 which states that solid waste disposal facilities should not be located in the flood plain. If the 1,100-acre footprint of the proposed landfill had never been inundated by flooding, it is reasonable that a land use compatibility determination could be made prior to the completion of the applicant's technical data. Why has the TCEQ's land use compatibility been determined before it is proven by thorough investigation how water moves across the proposed site and surrounding properties?
- 2) The application does not explain the effects of the proposed waste management site on area wetlands and/or measures to mitigate damage thereto. I cite Texas Administrative Code Section 330.553 which states that a waste storage facility shall not be located in wetlands.
- 3) The application does not sufficiently address effects of the waste management site on ground water and the local aquifer.
- 4) Rancho Waste Management has not acquired the requisite Army Corps of Engineers 404 Permit. Without such a permit, the proposed site does not meet the Clean Water Act rules or the TAC Section 330 rules, and does not meet land use compatibility criteria.
- 5) The application does not address the negative effects of the run-off of the ground water generated by rain into the numerous surrounding creeks and the main source of water for the United States and Mexican states bordering the Rio Grande River.
- 6) The application does not address the negative effects on native wildlife such as deer, peccary, bobcats, birds, and other species that live in this area.
- 7) The application does not address the effects on existing endangered species, such as the Texas Horned Toad, the Indigo Snake, etc. that are known to live in this and surrounding areas.
- 8) The application does not address the effects on domestic animals, such as horses, cattle, sheep, and goats in this and surrounding areas.

- 9) The installation of this waste management site will affect the aesthetic quality and enjoyment benefits of the surrounding property for all surrounding landowners.
- 10) The installation of this waste management site will significantly increase the truck traffic over the existing road infrastructure.
- 11) The increased traffic will increase discarded plastic, glass, paper, and trash that will be carelessly distributed by workers and drivers accessing the waste management site.
- 12) The installation of this waste management site will introduce rodents and other pests foreign to the area but common to landfills.
- 13) The installation of this waste management site will affect and definitely lower land values for all surrounding areas.

For the foregoing reasons, I request that the application not be approved and the permit not be issued.

This letter is intended to serve as my formal written Public Comment opposing the above referenced Proposed Permit #2374.

Thank you for your consideration of this matter.

Sincerely,

Rosemary J. Contreras

*Rosemary Jordan Contreras
1217 St. Patrick Dr.
Laredo, Texas 78045-7589*

*rjc1217@att.net
(956) 724-1833 H
(956) 286-1946 C*

Marisa Weber

From: PUBCOMMENT
Sent: Thursday, February 28, 2013 10:22 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2374
Attachments: Office of the Chief Clerk-Letter2.doc

*msw
7/26/21*

From: PUBCOMMENT-OCC
Sent: Thursday, February 28, 2013 7:17 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 2374

From: rjc1217@att.net [<mailto:rjc1217@att.net>]
Sent: Wednesday, February 27, 2013 4:19 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

REGULATED ENTY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: Rosemary Jordan Contreras

E-MAIL: rjc1217@att.net

COMPANY:

ADDRESS: 1217 SAINT PATRICK DR
LAREDO TX 78045-7589

PHONE: 9567241833

msw

FAX:

COMMENTS: I, Rosemary Jordan Contreras, own 64.453 acres approximately one(1) mile south of the proposed waste management facility by Rancho Viejo Waste management, LLC. The location of my property is: ABST 2624-1642 F C Jordan, 14.32 acres and ABST 1296-1643 GC & SF, 50.133 acres. If allowed, the vehicles transporting the waste to the proposed site will run alongside my property. I oppose the approval of permit #2374 and I am not in agreement with your preliminary decision that the location is compatible with surrounding land uses.

Office of the Chief Clerk, TCEQ
Mail Code MC-105
P. O. Box 13087
Austin, Texas 78711-3087

February 27, 2013

RE: Proposed Permit No. 2374

To Whom It May Concern,

I, Rosemary Jordan Contreras, own 64.453 acres approximately one (1) mile south of the proposed waste management facility by Rancho Viejo Waste Management, LLC. The location of my property: ABST 2624-1642 F C Jordan, 14.32 acres and ABST 1296-1643 GC & SF, 50.133 acres. If allowed, the vehicles transporting the waste to the proposed site will run alongside my property.

I oppose the approval of permit #2374 and I am not in agreement with your preliminary decision that the location is compatible with surrounding land uses.

- 1) The application does not specifically address flood plain issues which may result in contamination of ours and other neighboring tracts by flowing water.
- 2) The application does not explain the effects of the proposed waste management site on area wetlands and/or measures to mitigate damage thereto.
- 3) The application does not sufficiently address effects of the waste management site on ground water and the local aquifer.
- 4) The application does not address the negative effects of the run-off of the ground water generated by rain into the numerous surrounding creeks and the main source of water for the United States and Mexican states bordering the Rio Grande River.
- 5) The application does not address the negative effects on deer, peccary or other native animals that live in this area.
- 6) The application does not address the effects on existing endangered species, such as the Texas Horned Toad, the Indigo Snake, etc. that have been observed residing in this and surrounding areas.
- 7) The application does not address the effects on domestic animals, such as horses, cattle, sheep and goats in this and surrounding areas.
- 8) The installation of this waste management site will affect the esthetic quality and enjoyment benefits of the surrounding property for all surrounding landowners.
- 9) The installation of this waste management site will significantly increase the truck traffic over the existing road infrastructure.
- 10) The increased traffic will increase the plastic, glass, paper and trash that will be carelessly distributed by workers accessing the waste management site.
- 11) The installation of this waste management site will introduce rodents and other pests foreign to the area.

12) The installation of this waste management site will affect and definitely lower land values for all surrounding areas.

For the foregoing reasons, I request that the application not be approved and the permit not be issued.

This letter is intended to serve as my formal written Public Comment opposing the above referenced Proposed Permit #2374.

Thank you for your consideration of this matter.

Sincerely,

Rosemary J. Contreras

Rosemary Jordan Contreras
1217 St. Patrick Dr.
Laredo, Texas 78045-7589

rjc1217@att.net
(956) 724-1833 H
(956) 286-1946 C

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

July 20, 2011

RE: Permit No. 2374

Dear Sir/Madam,

I, Rosemary Jordan Contreras, own 64.453 acres adjacent to the land for the proposed waste management facility by Rancho Viejo Waste Management, LLC. If allowed, it will face my front yard.

I object to the approval of permit #2374 for the following reasons:

- 1) It will devalue my property.
- 2) It will pollute the land and the underground and stock tanks water.
- 3) It will be unsightly.
- 4) It will cause adverse conditions for wildlife and domestic animals.
- 5) It will interfere with the usual and acceptable use of the land.
- 6) It will cause traffic congestions.
- 7) It will generate unacceptable odors.
- 8) It will introduce foreign waste material.
- 9) It will introduce rodents and other pests foreign to the area.

I request a contested case hearing.

Thank you for your consideration of this matter.

Sincerely,

Rosemary J. Contreras

Rosemary Jordan Contreras
1217 St. Patrick Dr.
Laredo, Texas 78045-7589

rjc1217@att.net

(956) 724-1833 H
(956) 286-1946 C

TCEQ Public Meeting Form
February 28, 2013

8
12

Rancho Viejo Waste Management, LLC
Municipal Solid Waste
Permit No. 2374

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FEB 28 2013

AT PUBLIC MEETING

PLEASE PRINT

Name: Rosemary Jordan Contreras

Mailing Address: 1217 St. Patrick Dr.

Physical Address (if different): _____

City/State: Laredo, Texas Zip: 78045-7589

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

Email: rjc1217@att.net ✓

Phone Number: Home (956) 724-1833 (956) 286-1946 Cell

• Are you here today representing a municipality, legislator, agency, or group? Yes No
If yes, which one? Jordan Family

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

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FEB 28 2013

ROBERT F WIED, Jr.
5147 Overlook Lane, Canandaigua, NY 14424
Tel 203-733-4062 Email bwied@wiedfamily.us

AT PUBLIC MEETING

February 28, 2013

Office of the Chief Clerk
Mail Code MC-105
P O Box 13087
Austin, Texas 78711-3087

Submitted by
Rosemary Jordan Contreras
as her comments

RE: Public comment in Opposition to
Rancho Viejo Waste Management Facility
Webb County, Texas
TCEQ Permit # 2374("Project")

To whom it may concern:

~~My name is Robert F Wied, Jr. and my family~~ owns property [(Abstract 2625, Survey 260, T C Jordan (254.8 acres), Abstract 1296, Survey 1643 G C and SF (123.47 acres), Abstract 1759, Survey 2258, J M Swisher (7.06 acres), Abstract 2624, Survey 1642, F C Jordan (10.32 acres), Abstract 2625, Survey 260, F C Jordan (115.7 acres)]adjacent to the Yugo Ranch very near the proposed Rancho Viejo Waste Management Facility proposed in Webb County, Texas. This property has been in our family for nearly 7 generations spanning over 130 years. We have for all our lives, grown up enjoying not only the beauty of the land but also the diverse flora and fauna that this portion of the South Texas Plains has to offer. This Project threatens everything we know and love about our ranch, "The Ranch".

With all due respect to the TCEQ, how can the TCEQ have made a "preliminary decision that the location is compatible with surrounding land uses"? How in the world can a 1100 acre landfill be the "next stage of land use for" any site and be "fully compatible ... with cattle ranching", or anything else for that matter, as is claimed in the application for this Project("Application")? Any project of this magnitude will have permanent negative effects on not only the immediate surrounding properties but on those for miles around as well. The annual tonnage of "trash" anticipated to be handled by this facility dwarfs the Laredo landfill and will ultimately handle over 5 times the tonnage generated today by that landfill. This Project is not only immense and overwhelming in its size, but potentially in duration as well and it will certainly change the character of this area through the next **100 plus years** of its anticipated operation. Think about that ... **100 plus years** !

I have reviewed the Application on file and I oppose this Project for the following reasons:

The Application does not adequately and sufficiently address the possible effects of this Project on Human Health. How was the information regarding "individuals" and "potential target receptors" residing about the Project obtained? Our family maintains a "residential structure" that is less than 1.4 miles SE of the Project (approximately lat 27.53324, long-99.14748), and we are "not accounted" for in the Application **AT ALL** and neither is our water well, how many others that will be significantly

negatively impacted have been similarly unaccounted for? And how does the Application deal with the issue of disease vectors such as flies, rats and mice? In fact it does not other than to totally dismiss them because as is stated in the Application the "waste storage and processing methods" will deny them access to the waste generated by this facility... come on are you kidding me, let's be realistic about this as it is of very serious concern. This Application states that there is or will be, as a result of the wind direction, "negligible chances of adverse health effects" to surrounding properties. What is a "negligible chance", how can you and how would you quantify that potential and what's more, does living in constant and continuous stench constitute an adverse health affect? Do we want to accept an application that is as vague as this one when dealing with health and welfare issues to the land and its people? And has anyone ever been around a landfill site that did not absolutely REEK, nuisance smells are not even discussed in this application. Surface disturbance will also create a huge and ongoing issue with dust control in this region because of the lack of potable water to control the dust and encourage vegetative growth while the site remains open and exposed. While some of those close residences identified by the Application may not have to deal with the prevailing wind direction, we certainly do. While the "Wind Rose" figure is a bit confusing and I am not sure how it is to be interpreted or what data it purports to disseminate, our home appears to be directly within line of the most intense area identified by the "Wind Rose", so not only will the flies and other windborne pests be blown to our home, but we will suffer the onslaught of continuous unrelenting and putrid smells and 24/7 noise emanating from this Project for the next 100 years. This Application totally dismisses any potential degradation of the upper aquifer and any potential for "current", and for that matter "future", use of groundwater from the upper aquifer because it "is too poor to be used for human consumption". In this specific case the TECQ is acting as the "ward" or our groundwater and left to the Applicant with this type of cavalier attitude toward the local aquifers, we may never have an opportunity to utilize updated technology in an attempt to use water from either the upper or deeper aquifers.

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on the Environment.** Our family and those of others adjacent to and near this Project will see and hear and smell and this Project everyday and forever. We will never be able to utilize water from any of the underlying aquifers. We will face the dangers of truck traffic going to and from our home EVERY day. How in the world can the TECQ undertake a thorough, complete and comprehensive review this Project Application with any sense of integrity, when the applicant implies that the only impacts on and to the environment are those of debris and noise generation? This Project demands a complete and comprehensive Environmental Impact Study be undertaken to understand the TOTAL and COMPLETE impact of this Project on every aspect of the environment.

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on the Compatibility with the Surrounding Area.** The Application states that "no adverse impacts on the environment of the area are anticipated from the proposed landfill

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AT PUBLIC MEETING

operations”, come on get real, the facility contemplated by this application will likely be one of, if not the largest of its kind in the US and it **will** have negative impacts upon people and diminish the local land values **forever!** This Project is NOT compatible with the surrounding area, **at the very least** the scope of this Project is too massive to be compatible with **ANY** area and the buffers along each property lines are severely inadequate. Additional study should be undertaken by computer modeling to access whether or not **ANY** setback distances are sufficient so as to **guarantee** that no smell or noise or dust can escape the boundary of this property. NO one around or adjacent to this proposed facility should be forced to endure and thus subsidize for the economic benefit of Mr. Benavides, these types of negative impacts forever. Why do you think this facility was sited along the east side of Mr. Benavides multi-thousand acre ranch?...it’s because of the wind, he does not want this Project upwind from HIS ranch. We will hear and smell and receive the dust from everything that occurs at the Project 24/7 as we are downwind and extremely close in proximity ...for the next 100 plus years. Anyone who has or will ever step foot on this property knows that noise here travels forever across the plain and that even 1 mile offers little to no relief from noise or smell or dust, much less the quarter mile buffer being proposed in this Application. We have a home here, we raise cattle on our property, and we use our property for recreation. How can the Application simply dismiss the use and occupancy of our property and that of others which is adjacent to or near this Project with total disregard for such? And think about this, a 90 foot increase in the base elevation (aka Trash Mountain) resulting from the deposit of compacted trash over the site will cause the sun to set on our property 10 to 15 minutes earlier each day ...for eternity ...think about that impact to any property.

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on Transportation in the area.** The Application speaks of an additional 260 trips per day on Jordan road, given the numbers for daily tonnage anticipated in the Application this number of trips at best, according to the most basic calculations undertaken by the writer, **ONLY** accounts for truck trips actually bringing trash into the facility and it does not take into account **ANY** other trips into the facility either by employees, contractors, invitees, guests or otherwise. These trucks are big and noisy and dangerous and there will be too many of them going to and from this Project. A project of this magnitude should require a full and comprehensive traffic study to be done in conjunction with a full Environmental Impact Study.

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on Geology and Soils.** Anticipating major excavation of up to 90 feet over some or portions of the project site, there will be a huge disruption of local soils within that area, more information is needed to understand that impact of this huge volume of soil removal and how it may impact the integrity of the clay base.

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AT PUBLIC MEETING

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on Groundwater and Subsurface Water in the area.** The Application suggests that “ground monitoring wells will be designed and installed to check groundwater quality”, however in contradictory language the Application states that “none are proposed at this time”. Regardless of the potential for useable/potable water wells to be drilled in the area, continuous groundwater monitoring all around a site of this scope should be continuous throughout and beyond the life of any facility contemplated at this or any location. Because the quality of the existing groundwater may be poor is no reason to allow for toxic carcinogens to be allowed to be introduced unchecked into whatever groundwater underlies this area. The Applicant does not mention any ongoing intent to monitor surface and subsurface water sources **off site**, nor is there mention of any “bonding” requirement in the event that there is harm to these waters from the anticipated operation of this Project and these types of omissions in the Application are consistent with someone who is apathetic and indifferent to such impacts off site.

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on Floodplains and Wetlands in the area.** The Applicant has stated essentially in its Application that it is electing NOT to obtain any required COE wetland permits at this time but rather to address this issue when “development of these areas of the site are closer to reality” when in reality, the Applicant knows that such permits are very time consuming and may be difficult to obtain. This Project should be viewed as a comprehensive development and all environmental issues should be addressed and resolved prior to any permitting and NOT after any operations has begun. In this manner the Applicant will be estopped from arguing potential hardship variances for such issues in the future. TECQ should not allow any segmentation of this Project whatsoever because if it does the Applicant will simply agree for the sake of being permitted and then apply for modifications to that permit at a later date. For miles around this facility there is very little variance in the topography, a storm water control plan for at least a five hundred (500) year flood should be a minimal requirement for this application because even a 100 year storm, in this area, will cause extreme flooding and along with that, the potential for significant surface and subsurface exposure to hazardous and toxic pollutants emanating from the Project.

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on Threatened or Endangered Species in the area.** Anyone who has ever spent time in this part of the country, and this portion of Webb County, is no exception, is familiar with the

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AT PUBLIC MEETING

problems of feral pigs. This proposed landfill would provide a large food source for this already problematic hog population. An increase in the hog population is inevitable with such a large food source readily available to them. Hogs "compete with wildlife and livestock for habitat, harbor endemic and exotic diseases, and transmit parasites to domestic livestock and humans." ("Feral Hogs in Texas", by Texas Cooperative Extension).

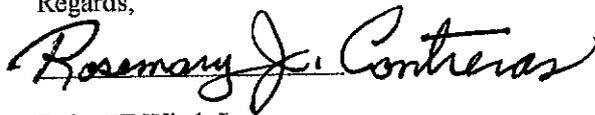
For these and other reasons this portion of the Application is inadequate and the Application should be denied

This is a huge project that has enormous potential for negative impact on all property within miles of this proposed facility. There are so many issues here one can only begin to scratch the surface of concerns that are problematic in a project of this magnitude.

This letter is intended to serve as my formal written Public Comment opposing the Application and should it be deficient in any way then please advise, so that it can be revised and/or supplemented as may be necessary for acceptance as a part of the record for this Application.

I can be contacted by any means as set forth herein above.

Regards,



~~Robert F Wied, Jr.~~

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FEB 28 2013

AT PUBLIC MEETING

Marisa Weber

From: PUBCOMMENT
Sent: Wednesday, August 08, 2012 7:28 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2374
Attachments: Office of the Chief Clerk- WM Case[1].doc

*msw
77621*

From: PUBCOMMENT-OCC
Sent: Monday, August 06, 2012 9:59 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 2374

From: rjc1217@att.net [<mailto:rjc1217@att.net>]
Sent: Tuesday, July 31, 2012 6:51 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

REGULATED ENTY NAME: PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: Rosemary Jordan Contreras

E-MAIL: rjc1217@att.net

COMPANY: Jordan Ranch

ADDRESS: 1217 SAINT PATRICK DR
LAREDO TX 78045-7589

PHONE: 9567241833

FAX: 9567241833

msw

COMMENTS: I object to the proposed landfill. Location of my property: ABST 2624-1642 F C Jordan, 14.32 acres And ABST 1296-1643 GC & SF, 50.133 acres. My property is adjacent to the land for the proposed waste management facility. I definitely do not want this at my front yard. Specific description of adverse affects by the facility: Devaluation of my property; Interfere with my enjoyment of this land; Pollution of land and underground water, as well as, stocks tanks; Air pollution; Noise pollution; Adverse conditions for wildlife and domestic animals; Interference with the usual and acceptable use of the land; Traffic congestions; Unacceptable odors; Introduction of foreign waste material; Introduction of rodents and other pests foreign to the area and It will be unsightly.

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

July 31, 2012

RE: Permit No. 2374

Dear Sir/Madam,

I, Rosemary Jordan Contreras, own 64.453 acres adjacent to the land for the proposed waste management facility by Rancho Viejo Waste Management, LLC. The location of my property: ABST 2624-1642 F C Jordan, 14.32 acres and ABST 1296-1643 GC & SF, 50.133 acres. If allowed, it will face my front yard.

I object to the approval of permit #2374 for the following reasons:

- 1) It will devalue my property.
- 2) It will interfere with our enjoyment of this land.
- 3) It will pollute the land and the underground water, as well as, the stock tanks water.
- 4) It will produce air pollution.
- 5) It will produce noise pollution.
- 6) It will cause adverse conditions for wildlife and domestic animals.
- 7) It will interfere with the usual and acceptable use of the land.
- 8) It will cause traffic congestions.
- 9) It will generate unacceptable odors.
- 10) It will introduce foreign waste material.
- 11) It will introduce rodents and other pests foreign to the area.
- 12) It will be very unsightly.

I request a contested case hearing.

Thank you for your consideration of this matter.

Sincerely,

Rosemary J. Contreras

Rosemary Jordan Contreras
1217 St. Patrick Dr.
Laredo, Texas 78045-7589

rjc1217@att.net
(956) 724-1833 H
(956) 286-1946 C

Marisa Weber

From: PUBCOMMENT
Sent: Thursday, August 09, 2012 2:48 PM
To: 'rjc1217@att.net'
Subject: Public comment on Permit Number 2374

Thank you for your comments.

A copy of your email will be forwarded to the Texas Commission on Environmental Quality (TCEQ) staff responsible for reviewing the application. All timely filed comments will be considered by the staff prior to the final decision on the application. You will be added to the mailing list and receive a copy of the formal written response to all timely filed comments.

The TCEQ appreciates your interest in environmental issues. If you have any further questions, please feel free to contact the Public Education Program staff at 800-687-4040.

Sincerely,
Office of the Chief Clerk

NOTE: Please do not respond to this email; it will not be answered. If you would like to submit additional comments, please use the online eComments system at: <http://www.tceq.texas.gov/about/comments.html>.

From: rjc1217@att.net [mailto:rjc1217@att.net]
Sent: Tuesday, July 31, 2012 6:51 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

REGULATED ENTITY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: Rosemary Jordan Contreras

E-MAIL: rjc1217@att.net

COMPANY: Jordan Ranch

ADDRESS: 1217 SAINT PATRICK DR
LAREDO TX 78045-7589

PHONE: 9567241833

FAX: 9567241833

COMMENTS: I object to the proposed landfill. Location of my property: ABST 2624-1642 F C Jordan, 14.32 acres And ABST 1296-1643 GC & SF, 50.133 acres. My property is adjacent to the land for the proposed waste management facility. I definitely do not want this at my front yard. Specific description of adverse affects by the facility: Devaluation of my property; Interfere with my enjoyment of this land; Pollution of land and underground water, as well as, stocks tanks; Air pollution; Noise pollution; Adverse conditions for wildlife and domestic animals; Interference with the usual and acceptable use of the land; Traffic congestions; Unacceptable odors; Introduction of foreign waste material; Introduction of rodents and other pests foreign to the area and It will be unsightly.

Marisa Weber

From: PUBCOMMENT
Sent: Wednesday, August 08, 2012 7:36 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2374

H

*msw
7/7/12*

From: PUBCOMMENT-OCC
Sent: Monday, August 06, 2012 9:57 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 2374

From: de.aj.dodier@sbcglobal.net [<mailto:de.aj.dodier@sbcglobal.net>]
Sent: Friday, August 03, 2012 9:39 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

REGULATED ENTY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: MRS Anna Jordan Dodier

E-MAIL: de.aj.dodier@sbcglobal.net

COMPANY: Jordan Ranch

ADDRESS: PO BOX 65232
SAN ANTONIO TX 78265-5232

PHONE: 2104909367

FAX:

msw

COMMENTS: I own 64.454 acres (ABST 1296-1643 GC & SF Tract) adjacent to the proposed waste management facility. If allowed, it will be a few yards from my fence line. I object to the approval of this permit for the following reasons: 1. It will devalue my property. 2. It will interfere with our enjoyment of this land. 3. It will pollute the land and the underground water, as well as, the stock tanks water. 4. It will produce air pollution. 5. It will produce noise pollution. 6. It will cause adverse conditions for wildlife and domestic animals. 7. It will interfere with the usual and acceptable use of the land. 8. It will cause traffic congestions. 9. It will generate unacceptable odors. 10. It will introduce foreign waste material. 11. It will introduce rodents and other pests foreign to the area. 12. It will be very unsightly. I request a contested case hearing. Thank you for your kind attention. Sincerely, Anna Jordan Dodier

- 10) The installation of this waste management site will significantly increase the truck traffic over the existing road infrastructure.
- 11) The increased traffic will increase discarded plastic, glass, paper, and trash that will be carelessly distributed by workers and drivers accessing the waste management site.
- 12) The installation of this waste management site will introduce rodents and other pests foreign to the area but common to landfills.
- 13) The installation of this waste management site will affect and definitely lower land values for all surrounding areas.
- 14) The installation of the waste management site will adversely affect the property owners who own homes located in short proximity to the waste management site in that the north winds would cause noxious odors, trash, debris and pathogens to be carried onto adjoining properties and would adversely affect the health, welfare and safety of the inhabitants of these homes.

For the foregoing reasons, I request that the application not be approved and the permit not be issued.

This letter is intended to serve as my formal written Public Comment opposing the above referenced Proposed Permit #2374.

Thank you for your consideration of this matter.

Sincerely,



Anna J. Dodier
P. O. Box 65232
San Antonio, Texas 78265-5232

de.aj.dodier@sbcglobal.net

(210) 490-9367 H
(210) 413-1135 C

2013 FEB 28 PM 3:20

CHIEF CLERKS OFFICE

Anna Jordan Dodier
P.O. Box 65232
San Antonio, Tx 78265-5232

February 26, 2013

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

msw
TCEQ

REVIEWED

MAR 01 2013

By *[Signature]*

Re: Public Comment Opposing Application for
Municipal Solid Waste Permit of Rancho
Viejo Waste Management, LLC; Webb
County, Texas

To Whom It May Concern:

Please be advised that I own a tract of land that is approximately 64.454 acres separated by a common boundary about one mile south of the proposed municipal solid waste handling facility that is the subject of the above referenced Application.

I have reviewed the Application and I am concerned with the Application and oppose for the following reasons:

The Application does not specifically address flood plain issues which may result in contamination of ours and other neighboring tracts by flowing water.

The Application does not explain the effects of the proposed landfill on area wetlands and /or measures to mitigate damage thereto.

The Application does not sufficiently address effects of the landfill on ground water and the local aquifer.

The Application does not address the negative effects of the run off of the ground water generated by rain into the numerous surrounding creeks and

msw

the main source of water for US and Mexican states bordering the Rio Grande River.

The Application does not address the negative effects on deer, peccary or other native animals that live in this area.

The Application does not address the effects on existing endangered species such as the Texas Horned Toad, Indigo Snake, etc. that have been observed residing in this and surrounding areas.

This application does not address the effects on domestic animals such as horses, cattle, sheep, and goats in the surrounding areas.

The installation of this landfill will affect and definitely lower land values for all surrounding areas.

The installation of this landfill will affect the esthetic quality and enjoyment benefits of the surrounding property for all surrounding land owners.

It appears that the waste projected in the Application is such that truck traffic over the existing road infrastructure will be significantly increased.

Increased traffic will increase the plastic, glass, paper, and trash that will be distributed carelessly by workers accessing this property.

For the foregoing reasons, I request that the Application not be approved and the permit not issued.

This letter is intended to serve as my formal written Public Comment opposing the above referenced Application.

Should you have any questions, please do not hesitate to contact me at either the address, telephone number or email contained in this letter.

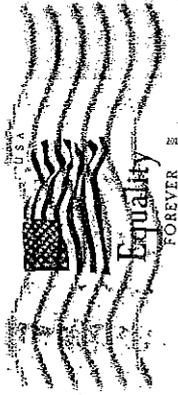
Sincerely,


Anna Jordan Dodier

(210) 490-9367

de.aj.dodier@sbcglobal.net

Anna Jordan Dodder
P.O. Box 65232
San Antonio, TX
78265-5232



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
SAN ANTONIO TX 78265
RFD GRANDE DISTRICT
27 FEB 2013 4W51

FEB 28 PM 3:12

~~Office of the~~ Chief Clerk, TCEQ
Mail Code MC 105
P.O. Box 13087
Austin, Texas
78711-3087

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TCEQ MAIL CENTER
JR

787113087ST

TCEQ Public Meeting Form
February 28, 2013

7

Rancho Viejo Waste Management, LLC
Municipal Solid Waste
Permit No. 2374

PLEASE PRINT

Name: ANNA J. DODIER

Mailing Address: P.O. Box 65232

Physical Address (if different): 12518 Misty Creek

City/State: SAN ANTONIO, TX Zip: 78265-5232

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

Email: de.aj.dodier@sbcglobal.net ✓

Phone Number: (210) 490-9367

• Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? Jordan Family

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.

M

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 9/6/2011 9:19 AM
Subject: Fwd: Public comment on Permit Number 2374
Place: PUBCOMMENT-OCC2

PM

>>> PUBCOMMENT-OCC 9/2/2011 4:57 PM >>>

>>> <de.aj.dodier@sbcglobal.net> 9/2/2011 3:23 PM >>>

REGULATED ENTY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: MRS Anna Jordan Dodier

E-MAIL: de.aj.dodier@sbcglobal.net

COMPANY: Jordan Ranch

ADDRESS: PO BOX 65232

SAN ANTONIO TX 78265-5232

PHONE: 2104909367

FAX:

COMMENTS: I own 64.454 acres(ABST 1296-1643 GC & SF Tract) adjacent to the proposed waste management facility.If allowed, it will be a few yards from my fence line. I object to the approval of this permit for the following reasons:1)It will devalue my property 2)It will pollute the land and the underground and stock tanks water 3)It will be unsightly 4)It will cause adverse conditions for wildlife and domestic animals 5)It will interfere with the usual and acceptable use of the land 6)It will cause traffic congestions 7)It will generate unacceptable odors 8)It will introduce foreign waste material 9) It will introduce rodents and other pests foreign to the area. I request a public meeting. Thank you for your kind attention. Sincerely, Anna Jordan Dodier

Handwritten signature/initials

CARDWELL, HART & BENNETT, L.L.P.
ATTORNEYS AT LAW

807 BRAZOS
SUITE 1001
AUSTIN, TEXAS 78701-2553

TELEPHONE: (512) 322-0011
FAX: (512) 322-0808

July 25, 2012

msw
12977

Bridget C. Bohac
Chief Clerk
TCEQ, MC 105
P.O. Box 13087
Austin, TX 78711-3087

2012 JUL 26 PM 2:41
CHIEF CLERKS OFFICE
TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: Application of Rancho Viejo Waste Management, LLC for Land Use
Compatibility Determination for a Municipal Solid Waste Permit in Webb
County, Texas, Proposed Permit No. 2374

Dear Mrs. Bohac:

Enclosed please find ANB Cattle Company, Ltd.'s Request for Contested Case Hearing
and Supporting Comments for filing in connection with the above-referenced Application.

After filing, please return extra file stamped copies in the postage-paid, self-addressed
envelope enclosed.

REVIEWED *H*
JUL 30 2012
By *Bl*

Very truly yours,
Jeffery L. Hart
Jeffery L. Hart

msw

Proposed Permit No. 2374

APPLICATION OF RANCHO	§	BEFORE THE TEXAS
VIEJO WASTE MANAGEMENT, LLC	§	
for LAND USE COMPATIBILITY	§	COMMISSION ON
PERMIT	§	
-- PROPOSED PERMIT NO. 2374	§	ENVIRONMENTAL QUALITY

**REQUEST FOR CONTESTED CASE
HEARING AND SUPPORTING COMMENTS**

In response to the July 17, 2012, Notice of Application and Preliminary Decision on Land Use Compatibility Determination for a Municipal Solid Waste Permit for proposed permit No. 2374 for Rancho Viejo Waste Management, LLC, ANB Cattle Company, Ltd. reaffirms its Request for Contested Case Hearing and Supporting Comments filed on November 22, 2011, in this matter.

1.

The entity filing this Request is:

ANB Cattle Company, Ltd
Attn: Arturo N. Benavides, Jr. President
1202 E. Del Mar Blvd., Suite 3A
Laredo, Texas 78041
Phone: (956) 726-9916

2.

As set forth herein, ANB Cattle Company, Ltd. ("ANB") is an affected person with standing to request a hearing in this matter for the purpose of protecting its interests.

3.

The representative for receiving all official communications and documents for ANB is:

Cardwell, Hart & Bennett, L.L.P.
Attention: Jeffery L. Hart
John A. Cardwell
807 Brazos Street, Suite 1001
Austin, Texas 78701
(512) 322-0011
(512) 322-0808 – Fax
Email: jlh.chblaw@sbcglobal.net
Email: cardwell53@earthlink.net

4.

ANB owns the surface of certain tracts of land (whether in whole or in part) within, and adjacent to the proposed facility, as well as other tracts in the immediate area ANB does not agree and objects to the location of this facility on and/or near lands owned (whether in whole or in part) by ANB.

Further, certain of said lands within and/or adjacent to the proposed facility are Mineral Classified Lands. That is, the State of Texas owns the oil, gas and other minerals in, on and under said lands. ANB is the owner of the soil (whether in whole or in part) of said Mineral Classified Lands and therefore ANB has certain statutorily imposed duties and obligations with regards to the preservation and/or development of said mineral interests owned by the State of Texas.

In addition, the minerals in, on and under certain lands within and adjacent to the proposed facility are owned by the Benavides Family Mineral Trust, a trust existing under the laws of the State of Texas (hereinafter the "BFMT"). ANB is beneficiary of the BFMT. ANB asserts that the proposed facility will potentially adversely affect

and/or prohibit the ability of **BFMT** to properly and adequately explore, develop and/or produce the minerals in, on and under said lands. As such, the proposed facility will adversely affect **ANB** as well as the other beneficiaries of **BFMT**.

5.

The application is materially deficient and the proposed facility presents a serious risk of irreparable harm to **ANB** and its real property interests as well as to the interests of the State of Texas. Because of these issues and other concerns with the application, **ANB** requests a contested case hearing on this matter.

6.

ANB requests a contested case hearing.

Wherefore, **ANB** prays that this Request for Contested Case Hearing be granted pursuant to Section 55.27 of the Commission Rules and that the Chief Clerk be directed to refer this application to the State Office of Administrative Hearings for a contested case hearing.

Respectfully submitted,

CARDWELL, HART & BENNETT, LLP

Jeffery L. Hart

State Bar No. 09147300

John A. Cardwell

State Bar No. 03791200

807 Brazos Street, Suite 1001

Austin, Texas 78701

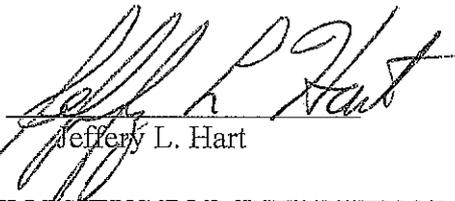
(512) 322-0011

(512) 322-0808 – Fax

Email: jlh.chblaw@sbcglobal.net

Email: cardwell53@earthlink.net

By:

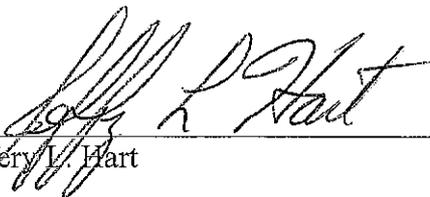


Jeffery L. Hart

ATTORNEYS FOR INTERVENORS

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of July, 2012, a true and correct copy of the foregoing document is being served in accordance with the Commissioner's Rules.



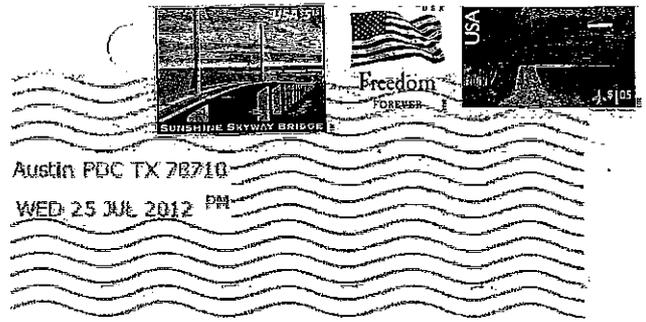
Jeffery L. Hart

Cardwell, Hart & Bennett, LLP
1807 Brazos
Austin, Tex

CERTIFIED MAIL



7010 1870 0001 4067 2734



Austin PDC TX 78710

WED 25 JUL 2012 PM

RECEIVED

JUL 26 2012

TCEQ MAIL CENTER
JR

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

2012 JUL 26 PM 2:31
CHIEF CLERKS OFFICE
U.S. MAIL
QUALITY
OF SERVICE

3.

The representative for receiving all official communications and documents for **ANB** is:

Cardwell, Hart & Bennett, L.L.P.
Attention: Jeffery L. Hart
John A. Cardwell
807 Brazos Street, Suite 1001
Austin, Texas 78701
(512) 322-0011
(512) 322-0808 – Fax
Email: jlh.chblaw@sbcglobal.net
Email: cardwell53@earthlink.net

4.

ANB owns the surface of certain tracts of land (whether in whole or in part) within, and adjacent to the proposed facility, as well as other tracts in the immediate area **ANB** does not agree and objects to the location of this facility on and/or near lands owned (whether in whole or in part) by **ANB**.

Further, certain of said lands within and/or adjacent to the proposed facility are Mineral Classified Lands. That is, the State of Texas owns the oil, gas and other minerals in, on and under said lands. **ANB** is the owner of the soil (whether in whole or in part) of said Mineral Classified Lands and therefore **ANB** has certain statutorily imposed duties and obligations with regards to the preservation and/or development of said mineral interests owned by the State of Texas.

In addition, the minerals in, on and under certain lands within and adjacent to the proposed facility are owned by the Benavides Family Mineral Trust, a trust existing under the laws of the State of Texas (hereinafter the “**BFMT**”). **ANB** is beneficiary of the **BFMT**. **ANB** asserts that the proposed facility will potentially adversely affect

and/or prohibit the ability of **BFMT** to properly and adequately explore, develop and/or produce the minerals in, on and under said lands. As such, the proposed facility will adversely affect **ANB** as well as the other beneficiaries of **BFMT**.

5.

The application is materially deficient and the proposed facility presents a serious risk of irreparable harm to **ANB** and its real property interests as well as to the interests of the State of Texas. Because of these issues and other concerns with the application, **ANB** requests a contested case hearing on this matter.

Wherefore, **ANB** prays that this Request for Contested Case Hearing be granted pursuant to Section 55.27 of the Commission Rules and that the Chief Clerk be directed to refer this application to the State Office of Administrative Hearings for a contested case hearing.

Respectfully submitted,

CARDWELL, HART & BENNETT, LLP

Jeffery L. Hart

State Bar No. 09147300

John A. Cardwell

State Bar No. 03791200

807 Brazos Street, Suite 1001

Austin, Texas 78701

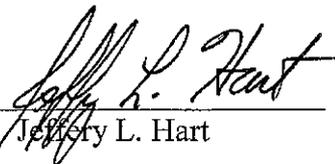
(512) 322-0011

(512) 322-0808 – Fax

Email: jlh.chblaw@sbcglobal.net

Email: cardwell53@earthlink.net

By: _____

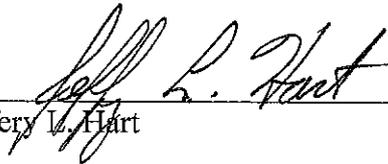


Jeffery L. Hart

ATTORNEYS FOR INTERVENORS

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of November, 2011, a true and correct copy of the foregoing document is being served in accordance with the Commissioner's Rules.



Jeffery L. Hart

Marisa Weber

From: PUBCOMMENT
Sent: Wednesday, August 08, 2012 7:31 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2374
Attachments: Office of the Chief Clerk-Permit 2374.pdf

*msw
77621*

H

From: PUBCOMMENT-OCC
Sent: Monday, August 06, 2012 9:58 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 2374

From: jordanjamesr@gmail.com [<mailto:jordanjamesr@gmail.com>]
Sent: Wednesday, August 01, 2012 9:12 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

REGULATED ENTY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: James Robert Jordan

E-MAIL: jordanjamesr@gmail.com

COMPANY:

ADDRESS: 123 FAIRWAY LN
LAREDO TX 78041-7620

PHONE: 9567533420

FAX:

msw

COMMENTS: I, James Robert Jordan, own 64.453 acres (Abstract 1296, Survey 1643 GC & SF) abutting to the land for the proposed waste management facility by Rancho Viejo Waste Management, LLC. If allowed, it will have a severe negative impact on my property. I strongly object to the approval of permit #2374 for the following reasons: It will devalue my property. It will pollute the land and the underground and stock tanks water. It will be unsightly. It will cause adverse conditions for wildlife and domestic animals. It will interfere with the usual and acceptable use of the land. It will cause traffic congestions. It will generate unacceptable odors. It will introduce foreign waste material. It will introduce rodents and other pests foreign to the area. There are so many issues; I can only begin to scratch the surface of concerns that are problematic in such a project. This project should not be allowed to proceed any further. I request a contested case hearing.

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

August 01, 2012

RE: Permit No. 2374

Dear Sir/Madam,

I, James Robert Jordan, own 64.453 acres (Abstract 1296, Survey 1643 GC & SF) abutting to the land for the proposed waste management facility by Rancho Viejo Waste Management, LLC. If allowed, it will have a severe negative impact on my property.

I strongly object to the approval of permit #2374 for the following reasons:

- 1) It will devalue my property.
- 2) It will pollute the land and the underground and stock tanks water.
- 3) It will be unsightly.
- 4) It will cause adverse conditions for wildlife and domestic animals.
- 5) It will interfere with the usual and acceptable use of the land.
- 6) It will cause traffic congestions.
- 7) It will generate unacceptable odors.
- 8) It will introduce foreign waste material.
- 9) It will introduce rodents and other pests foreign to the area.

This is a huge project that has enormous potential for negative impact on my property and that of everyone around. There are so many issues; I can only begin to scratch the surface of concerns that are problematic in such a project. This project should not be allowed to proceed any further.

I request a contested case hearing.

Thank you for your consideration of this matter.

Sincerely,
James R. Jordan

James R. Jordan
123 Fairway Lane
Laredo, Texas 78041

jordanjamesr@gmail.com

(956) 753-3420

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

August 24, 2011

RE: Permit No. 2374

Dear Sir/Madam,

I, James Robert Jordan, own 64.453 acres (Abstract 1296, Survey 1643) abutting to the land for the proposed waste management facility by Rancho Viejo Waste Management, LLC. If allowed, it will have a severe negative impact on my property.

I vehemently object to the approval of permit #2374 for the following reasons:

- 1) It will devalue my property.
- 2) It will pollute the land and the underground and stock tanks water.
- 3) It will be unsightly.
- 4) It will cause adverse conditions for wildlife and domestic animals.
- 5) It will interfere with the usual and acceptable use of the land.
- 6) It will cause traffic congestions.
- 7) It will generate unacceptable odors.
- 8) It will introduce foreign waste material.
- 9) It will introduce rodents and other pests foreign to the area.

This is a huge project that has enormous potential for negative impact on my property and that of everyone around. There are so many issues; I can only begin to scratch the surface of concerns that are problematic in such a project. This project should not be allowed to proceed any further. **I request a public hearing.**

Thank you for your consideration of this matter.

Sincerely,
James R. Jordan

James R. Jordan
123 Fairway Lane
Laredo, Texas 78041

jordanjamesr@gmail.com

(956) 753-3420

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 8/24/2011 11:36 AM
Subject: Fwd: Public comment on Permit Number 2374
Place: PUBCOMMENT-OCC2
Attachments: Office of the Chief Clerk-Permit 2374.docx

*MSW
77621*

H

>>> PUBCOMMENT-OCC 8/24/2011 10:08 AM >>>

>>> <jordanjamesr@gmail.com> 8/24/2011 10:12 AM >>>

REGULATED ENTITY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: MR James Robert Jordan

E-MAIL: jordanjamesr@gmail.com

COMPANY:

ADDRESS: 123 FAIRWAY LN

LAREDO TX 78041-7620

PHONE: 9567533420

FAX:

COMMENTS: I, James Robert Jordan, own 64.453 acres (Abstract 1296, Survey 1643) abutting to the land for the proposed waste management facility by Rancho Viejo Waste Management, LLC. If allowed, it will have a severe negative impact on my property. Adverse effects include; devaluation of my property, pollution of the land and the underground and stock tanks water, adverse conditions for wildlife and domestic animals, interference with the usual and acceptable use of the land, traffic congestions, unacceptable odors, introduction of foreign waste material, and rodents and other pests foreign to the area. I request a public hearing.

MSW

Marisa Weber

From: PUBCOMMENT
Sent: Thursday, March 21, 2013 9:59 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2374
Attachments: James_Jordan_PROTEST LTR.docx

*2374
OCC2*

From: PUBCOMMENT-OCC
Sent: Thursday, March 21, 2013 9:13 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 2374

From: jordanjamesr@gmail.com [<mailto:jordanjamesr@gmail.com>]
Sent: Thursday, March 21, 2013 8:57 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

REGULATED ENTITY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: James Robert Jordan

E-MAIL: jordanjamesr@gmail.com

COMPANY:

ADDRESS: 123 FAIRWAY LN
LAREDO TX 78041-7620

PHONE: 9567533420

Mr

FAX:

COMMENTS: I, James Robert Jordan, own property less than one mile south of the proposed waste management facility by Rancho Viejo Waste Management, LLC. I OPPOSE the approval of permit #2374 and I am NOT in agreement with the TCEQ's preliminary decision that the location is compatible with surrounding land uses.

Office of the Chief Clerk, TCEQ
Mail Code MC-105
P. O. Box 13087
Austin, Texas 78711-3087

March 21, 2013

**RE: Pescadito Environmental Resource Center – Webb County
Municipal Solid Waste (MSW) Proposed Permit No. 2374**

To Whom It May Concern,

I, James Robert Jordan, own 64.453 acres less than one mile south of the proposed waste management facility by Rancho Viejo Waste Management, LLC. The location of my property: ABST 1296-1643 GC & SF, 64.453 acres. I OPPOSE the approval of permit #2374 and I am NOT in agreement with the TCEQ's preliminary decision that the location is compatible with surrounding land uses for the following reasons:

- 1) Because 43 percent of the 1,100 acres of the proposed site is in the 100-year floodplain, I believe your determination for compatible land use has been made without sufficient investigation for how water enters or leaves the proposed site and surrounding tracts of ranch land. The application does not specifically address flood plain issues that may result in contamination of ours and other neighboring tracts by flowing water. I cite Texas Administrative Code (TAC) Section 330.547 which states that solid waste disposal facilities should not be located in the flood plain. If the 1,100-acre footprint of the proposed landfill had never been inundated by flooding, it is reasonable that a land use compatibility determination could be made prior to the completion of the applicant's technical data. Why has the TCEQ's land use compatibility been determined before it is proven by thorough investigation how water moves across the proposed site and surrounding properties?
- 2) The application does not explain the effects of the proposed waste management site on area wetlands and/or measures to mitigate damage thereto. I cite Texas Administrative Code Section 330.553 which states that a waste storage facility shall not be located in wetlands.
- 3) The application does not sufficiently address effects of the waste management site on ground water and the local aquifer.
- 4) Rancho Waste Management has not acquired the requisite Army Corps of Engineers 404 Permit. Without such a permit, the proposed site does not meet the Clean Water Act rules or the TAC Section 330 rules, and does not meet land use compatibility criteria.
- 5) The application does not address the negative effects of the run-off of the ground water generated by rain into the numerous surrounding creeks and the main source of water for the United States and Mexican states bordering the Rio Grande River.
- 6) The application does not address the negative effects on native wildlife such as deer, peccary, bobcats, birds, and other species that live in this area.
- 7) The application does not address the effects on existing endangered species, such as the Texas Horned Toad, the Indigo Snake, etc. that are known to live in this and surrounding areas.
- 8) The application does not address the effects on domestic animals, such as horses, cattle, sheep, and goats in this and surrounding areas.
- 9) The installation of this waste management site will affect the aesthetic quality and enjoyment benefits of the surrounding property for all surrounding landowners.

- 10) The installation of this waste management site will significantly increase the truck traffic over the existing road infrastructure.
- 11) The increased traffic will increase discarded plastic, glass, paper, and trash that will be carelessly distributed by workers and drivers accessing the waste management site.
- 12) The installation of this waste management site will introduce rodents and other pests foreign to the area but common to landfills.
- 13) The installation of this waste management site will affect and definitely lower land values for all surrounding areas.
- 14) The installation of the waste management site will adversely affect communities located in short proximity to the waste management site in that the southeast prevailing winds would cause noxious odors, trash, debris and pathogens to be carried onto adjoining properties and would adversely affect the health, welfare and safety of the inhabitants of these communities.

For the foregoing reasons, I request that the application not be approved and the permit not be issued.

This letter is intended to serve as my formal written Public Comment opposing the above referenced Proposed Permit #2374.

Thank you for your consideration of this matter.

Sincerely,

Printed Name James Robert Jordan

Physical Address 123 Fairway Lane

Telephone #s (956) 753-3420

Email address jordanjamesr@gmail.com

Marisa Weber

From: PUBCOMMENT
Sent: Thursday, February 28, 2013 3:31 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2374
Attachments: Permit Number 23741.doc

MSCW
2374

From: PUBCOMMENT-OCC
Sent: Thursday, February 28, 2013 11:02 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 2374

From: jordanjamesr@gmail.com [<mailto:jordanjamesr@gmail.com>]
Sent: Thursday, February 28, 2013 10:59 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

REGULATED ENTITY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: James Robert Jordan

E-MAIL: jordanjamesr@gmail.com

COMPANY:

ADDRESS: 123 FAIRWAY LN
LAREDO TX 78041-7620

PHONE: 9567533420

MSCW

FAX:

COMMENTS: I, James Robert Jordan, own 64.453 acres less than one mile south of the proposed waste management facility by Rancho Viejo Waste Management, LLC. I oppose the approval of permit #2374 and I am not in agreement with your preliminary decision that the location is compatible with surrounding land uses.

Office of the Chief Clerk, TCEQ
Mail Code MC-105
P. O. Box 13087
Austin, Texas 78711-3087

February 28, 2013

RE: Proposed Permit No. 2374

To Whom It May Concern,

I, James Robert Jordan, own 64.453 acres less than one mile south of the proposed waste management facility by Rancho Viejo Waste Management, LLC. The location of my property: ABST 1296-1643 GC & SF, 64.453 acres. If allowed, the vehicles transporting the waste to the proposed site will run alongside my property.

I oppose the approval of permit #2374 and I am not in agreement with your preliminary decision that the location is compatible with surrounding land uses.

- 1) The application does not specifically address flood plain issues which may result in contamination of ours and other neighboring tracts by flowing water.
- 2) The application does not explain the effects of the proposed waste management site on area wetlands and/or measures to mitigate damage thereto.
- 3) The application does not sufficiently address effects of the waste management site on ground water and the local aquifer.
- 4) The application does not address the negative effects of the run-off of the ground water generated by rain into the numerous surrounding creeks and the main source of water for the United States and Mexican states bordering the Rio Grande River.
- 5) The application does not address the negative effects on deer, peccary or other native animals that live in this area.
- 6) The application does not address the effects on existing endangered species, such as the Texas Horned Toad, the Indigo Snake, etc. that have been observed residing in this and surrounding areas.
- 7) The application does not address the effects on domestic animals, such as horses, cattle, sheep and goats in this and surrounding areas.
- 8) The installation of this waste management site will affect the esthetic quality and enjoyment benefits of the surrounding property for all surrounding landowners.
- 9) The installation of this waste management site will significantly increase the truck traffic over the existing road infrastructure.
- 10) The increased traffic will increase the plastic, glass, paper and trash that will be carelessly distributed by workers accessing the waste management site.
- 11) The installation of this waste management site will introduce rodents and other pests foreign to the area.
- 12) The installation of this waste management site will affect and definitely lower land values for all surrounding areas.

For the foregoing reasons, I request that the application not be approved and the permit not be issued.

This letter is intended to serve as my formal written Public Comment opposing the above referenced Proposed Permit #2374.

Thank you for your consideration of this matter.

Sincerely,

James Robert Jordan

James Robert Jordan
123 Fairway Lane
Laredo, Texas 78041

jordanjamesr@gmail.com
(956) 753-3420

Marisa Weber

From: PUBCOMMENT
Sent: Monday, July 30, 2012 9:22 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2374

*msw
7-76-21*

H

From: PUBCOMMENT-OCC
Sent: Wednesday, July 25, 2012 5:15 PM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 2374

From: sharynpj@hotmail.com [<mailto:sharynpj@hotmail.com>]
Sent: Wednesday, July 25, 2012 4:34 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

REGULATED ENTY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: Sharyn Peterson Jordan

E-MAIL: sharynpj@hotmail.com

COMPANY:

ADDRESS: 608 N BARTLETT AVE
LAREDO TX 78043-4032

PHONE: 9567239436

FAX:

msw

COMMENTS: Chief Clerk Texas Commission On Environmental Quality Richard Jerome Jordan and Sharyn P. Jordan request a contested hearing on the following proposed landfill: Rancho Viejo Waste Management, LLC Proposed Permit No. 2374 Richard Jerome Jordan Sharyn P. Jordan 608 N. Bartlett Ave. Laredo, TX 78043 956/723-9436 Description of owned land directly adjacent to the proposed landfill: Tract I 95.9860 acres, being a part of S. Jordan Survey 1642, Abstract 2624 Webb County, Texas Tract II 93.0953 acres being a part of S. Jordan Survey 1642, Abstract 2624 Webb County, Texas Tract B I 89.325 acres with 37.96 acres being out of Survey 1643, Abstract 1296 and 51.365 acres being out of Survey 1644, Abstract 2627 Webb County, Texas Tract B II 89.325 acres being 2.1 acres out of Survey 1643 and 87.225 out of Survey 1644 Webb County, Texas Tract B III 89.325 acres being out of Survey 1644 Abstract 2627 Webb County, Texas Tract B IV 89.9721 acres being partially out of Survey 2258, Abstract 1759 and partially out of Survey 1644 Abstract 2627 Webb County, Texas This property has been owned and managed by the Jordan family for generations as a ranching operation for cattle and horses. It is also a source of recreational activities. An adjacent landfill would damage and forever alter the property for the following reasons: 1. Serious devaluation of property 2. Pollution of land surface and underground water 3. Adverse conditions for wildlife and domestic animals 4. Unsightly conditions and odors 5. Interference with the usual and acceptable use of the land. Thank you for your attention and careful consideration of this matter. Sincerely, Sharyn Jordan

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 7/21/2011 10:24 AM
Subject: Fwd: Public comment on Permit Number 2374
Place: PUBCOMMENT-OCC2

HR

>>> PUBCOMMENT-OCC 7/20/2011 3:11 PM >>>

>>> <sharynpj@hotmail.com> 7/20/2011 2:51 PM >>>

REGULATED ENTITY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: Sharyn Jordan

E-MAIL: sharynpj@hotmail.com

COMPANY:

ADDRESS: 608 N BARTLETT AVE

LAREDO TX 78043-4032

PHONE: 9567239436

FAX:

COMMENTS: I oppose the landfill next to my property. I am requesting a public hearing. Thank you, Sharyn Jordan

*msw
7/21/11*

msw

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 7/21/2011 10:24 AM
Subject: Fwd: Public comment on Permit Number 2374
Place: PUBCOMMENT-OCC2

MSW
7/21

HR

>>> PUBCOMMENT-OCC 7/20/2011 3:11 PM >>>

>>> <sharynpj@hotmail.com> 7/20/2011 2:51 PM >>>

REGULATED ENTY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: Sharyn Jordan

E-MAIL: sharynpj@hotmail.com

COMPANY:

ADDRESS: 608 N BARTLETT AVE

LAREDO TX 78043-4032

PHONE: 9567239436

FAX:

COMMENTS: I oppose the landfill next to my property. I am requesting a public hearing. Thank you, Sharyn Jordan

MSW

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Office of the Chief Clerk, TCEQ
Mail Code MC-105
P. O. Box 13087
Austin, Texas 78711-3087

2013 MAR 25 AM 10:42

CHIEF CLERK'S OFFICE

msw
7-7-21

REVIEWED

MAR 25 2013

March 18, 2013

**RE: Pescadito Environmental Resource Center – Webb County
Municipal Solid Waste (MSW) Proposed Permit No. 2374**

To Whom It May Concern,

I own property in proximity of the proposed landfill. (Customize letter to say where, how far)

I oppose the approval of permit #2374 and I am not in agreement with the TCEQ's preliminary decision that the location is compatible with surrounding land uses for the following reasons:

- 1) Because 43 percent of the 1,100 acres of the proposed site is in the 100-year floodplain, I believe your determination for compatible land use has been made without sufficient investigation for how water enters or leaves the proposed site and surrounding tracts of ranch land. The application does not specifically address flood plain issues that may result in contamination of ours and other neighboring tracts by flowing water. I cite Texas Administrative Code (TAC) Section 330.547 which states that solid waste disposal facilities should not be located in the flood plain. If the 1,100-acre footprint of the proposed landfill had never been inundated by flooding, it is reasonable that a land use compatibility determination could be made prior to the completion of the applicant's technical data. Why has the TCEQ's land use compatibility been determined before it is proven by thorough investigation how water moves across the proposed site and surrounding properties?
- 2) The application does not explain the effects of the proposed waste management site on area wetlands and/or measures to mitigate damage thereto. I cite Texas Administrative Code Section 330.553 which states that a waste storage facility shall not be located in wetlands.
- 3) The application does not sufficiently address effects of the waste management site on ground water and the local aquifer.
- 4) Rancho Waste Management has not acquired the requisite Army Corps of Engineers 404 Permit. Without such a permit, the proposed site does not meet the Clean Water Act rules or the TAC Section 330 rules, and does not meet land use compatibility criteria.
- 5) The application does not address the negative effects of the run-off of the ground water generated by rain into the numerous surrounding creeks and the main source of water for the United States and Mexican states bordering the Rio Grande River.
- 6) The application does not address the negative effects on native wildlife such as deer, peccary, bobcats, birds, and other species that live in this area.
- 7) The application does not address the effects on existing endangered species, such as the Texas Horned Toad, the Indigo Snake, etc. that are known to live in this and surrounding areas.
- 8) The application does not address the effects on domestic animals, such as horses, cattle, sheep, and goats in this and surrounding areas.
- 9) The installation of this waste management site will affect the aesthetic quality and enjoyment benefits of the surrounding property for all surrounding landowners.
- 10) The installation of this waste management site will significantly increase the truck traffic over the existing road infrastructure.

- 11) The increased traffic will increase discarded plastic, glass, paper, and trash that will be carelessly distributed by workers and drivers accessing the waste management site.
- 12) The installation of this waste management site will introduce rodents and other pests foreign to the area but common to landfills.
- 13) The installation of this waste management site will affect and definitely lower land values for all surrounding areas.

For the foregoing reasons, I request that the application not be approved and the permit not be issued.

This letter is intended to serve as my formal written Public Comment opposing the above referenced Proposed Permit #2374.

Thank you for your consideration of this matter.

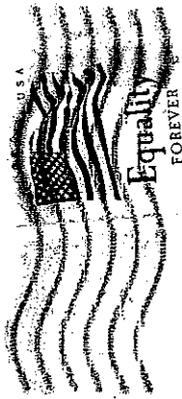
Sincerely,

Name *Sharon Jordan*
Physical Address *608 W. Bartlett Ave.*
Telephone #s *Laredo, TX 78043*
Email address

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2013 MAR 25 AM 10:42

CHIEF CLERKS OFFICE



SAN ANTONIO TX 782
RIO GRANDE DISTRICT
21 MAR 2013 PM 6:1

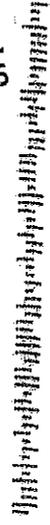
Office of The Chief Clerk, TCEQ
Mail Order MC-105
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED

MAK 25 2013

TCEQ MAIL CENTER
JR

7671308787



Marisa Weber

From: PUBCOMMENT
Sent: Friday, March 15, 2013 9:47 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2374
Attachments: Sharyn's Letter.docx

From: PUBCOMMENT-OCC
Sent: Friday, March 15, 2013 9:39 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 2374

From: sharynpj@hotmail.com [<mailto:sharynpj@hotmail.com>]
Sent: Thursday, March 14, 2013 5:25 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

REGULATED ENTITY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: Sharyn Jordan

E-MAIL: sharynpj@hotmail.com

COMPANY:

ADDRESS: 608 N BARTLETT AVE
LAREDO TX 78043-4032

PHONE: 9567409436

*MSW
7/2/13*

MSW

FAX:

COMMENTS: I, Sharyn Jordan, OPPOSE the approval of permit #2374 and I am NOT in agreement with your preliminary decision that the location is compatible with surrounding land uses. If allowed, the vehicles transporting the waste to the proposed site will run along the front side of my property.

Office of the Chief Clerk, TCEQ
Mail Code MC-105
P. O. Box 13087
Austin, Texas 78711-3087

March 12, 2013

**RE: Pescadito Environmental Resource Center – Webb County
Municipal Solid Waste (MSW) Proposed Permit No. 2374**

To Whom It May Concern,

I, Sharyn Jordan along with my husband Richard Jerome Jordan, own approximately 546 acres about one (1) mile south and southeast of the proposed landfill facility. If allowed, the vehicles transporting the waste to the proposed facility will run along the front side of my property.

I oppose the approval of permit #2374 and I am not in agreement with the TCEQ's preliminary decision that the location is compatible with surrounding land uses for the following reasons:

- 1) Because 43 percent of the 1,100 acres of the proposed site is in the 100-year floodplain, I believe your determination for compatible land use has been made without sufficient investigation for how water enters or leaves the proposed site and surrounding tracts of ranch land. The application does not specifically address flood plain issues that may result in contamination of ours and other neighboring tracts by flowing water. I cite Texas Administrative Code (TAC) Section 330.547 which states that solid waste disposal facilities should not be located in the flood plain. If the 1,100-acre footprint of the proposed landfill had never been inundated by flooding, it is reasonable that a land use compatibility determination could be made prior to the completion of the applicant's technical data. Why has the TCEQ's land use compatibility been determined before it is proven by thorough investigation how water moves across the proposed site and surrounding properties?
- 2) The application does not explain the effects of the proposed waste management site on area wetlands and/or measures to mitigate damage thereto. I cite Texas Administrative Code Section 330.553 which states that a waste storage facility shall not be located in wetlands.
- 3) The application does not sufficiently address effects of the waste management site on ground water and the local aquifer.
- 4) Rancho Waste Management has not acquired the requisite Army Corps of Engineers 404 Permit. Without such a permit, the proposed site does not meet the Clean Water Act rules or the TAC Section 330 rules, and does not meet land use compatibility criteria.
- 5) The application does not address the negative effects of the run-off of the ground water generated by rain into the numerous surrounding creeks and the main source of water for the United States and Mexican states bordering the Rio Grande River.
- 6) The application does not address the negative effects on native wildlife such as deer, peccary, bobcats, birds, and other species that live in this area.
- 7) The application does not address the effects on existing endangered species, such as the Texas Horned Toad, the Indigo Snake, etc. that are known to live in this and surrounding areas.
- 8) The application does not address the effects on domestic animals, such as horses, cattle, sheep, and goats in this and surrounding areas.
- 9) The installation of this waste management site will affect the aesthetic quality and enjoyment benefits of the surrounding property for all surrounding landowners.

- 10) The installation of this waste management site will significantly increase the truck traffic over the existing road infrastructure.
- 11) The increased traffic will increase discarded plastic, glass, paper, and trash that will be carelessly distributed by workers and drivers accessing the waste management site.
- 12) The installation of this waste management site will introduce rodents and other pests foreign to the area but common to landfills.
- 13) The installation of this waste management site will affect and definitely lower land values for all surrounding areas.
- 14) The installation of the waste management site will adversely affect the property owners who own homes located in short proximity to the waste management site in that the north winds would cause noxious odors, trash, debris and pathogens to be carried onto adjoining properties and would adversely affect the health, welfare and safety of the inhabitants of these property owners.

For the foregoing reasons, I request that the application not be approved and the permit not be issued.

This letter is intended to serve as my formal written Public Comment opposing the above referenced Proposed Permit #2374.

Thank you for your consideration of this matter.

Sincerely,

Sharyn Jordan

Sharyn Jordan
608 N. Bartlett Ave.
Laredo, Texas 78043

sharynpj@hotmail.com
(956) 740-9436 C
(956) 723-9436 H

4

TCEQ Public Meeting Form
February 28, 2013

Rancho Viejo Waste Management, LLC
Municipal Solid Waste
Permit No. 2374

PLEASE PRINT

Name: Sharon Jordan

Mailing Address: 608 N. Bartlett Ave.

Physical Address (if different): _____

City/State: Lubbock, TX Zip: 79403

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

Email: SHARONPJ@hotmail.com ✓

Phone Number: 956 723-9436

• 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.
Comments mailed
(Written comments may be submitted at any time during the meeting)

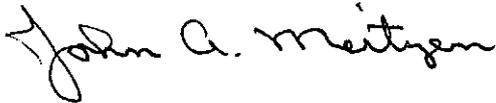
Please give this form to the person at the information table. Thank you.

me

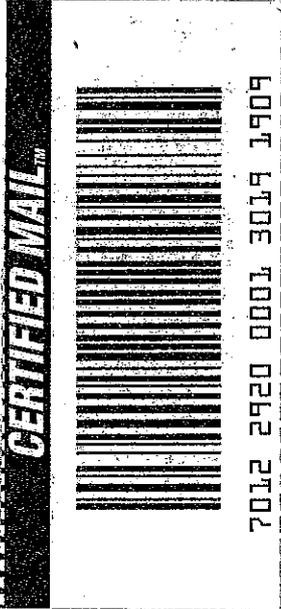
8. There is no approved CLOMR from FEMA that removes any part of the site from the 100 Year Floodplain. It is presumptive to issue a permit for land use compatibility without this document.
9. Response 37 does not adequately address the issue of Applicant competency. The Executive Director cannot determine competency if there is no evidence of competency. A discussion of future employees with the licenses necessary to operate equipment does not determine competency.
10. Response 43 contradicts Response 6. In Response 6, the Executive Director refers to the Applicant indicating that there is one (1) abandoned and plugged gas well within the proposed facility. Response 43 indicates that "several wells were attempted and later sealed and abandoned".

I request a contested case hearing on Proposed Permit number 2374.

Thank you,

A handwritten signature in cursive script that reads "John A. Meitzen". The signature is written in black ink and is positioned below the "Thank you," text.

John A. Meitzen



John A. Metzzen
P.O. Box 515
Eagle Lake, Texas 77434



2013 JUL 26 PM 3:03
78711
CHIEF CLERK'S OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

BRIDGET C. BOHAK, CHIEF CLERK
TCEQ, MC-105
P.O. Box 13087

RECEIVED
JUL 26 2013
TCEQ MAIL CENTER
EB

78711-3087

John A. Meitzen
P.O. Box 515
Eagle Lake, TX 77434
979-758-1600
imoutdoorstx@aol.com

MSW
77621

March 22, 2013

Office of the Chief Clerk MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711

H
REVIEWED
MAR 27 2013
By *[Signature]*

CHIEF CLERK'S OFFICE

2013 MAR 26 PM 3:00

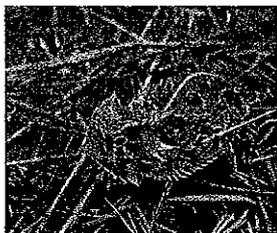
TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Proposed Permit #2374

To Whom It May Concern:

This letter should be included with the formal comments in regard to the above referenced proposed permit number. I own 390.457 acres of land in the F.C. Jordan Survey in Webb County, Texas. This land is located within one mile of the proposed landfill site. This letter also serves as my formal request for a contested case hearing based on the following issues:

1. Water quality, both surface and groundwater. The proposed permit application does not sufficiently address leaching of chemicals found in landfill material into the groundwater. It also does not address the thickness and continuity of any clay layer beneath the site. The proposed permit application does not adequately address the issue of contaminants leaving the proposed site in surface runoff water due to a riverine or localized flood event.
2. Soil erosion on neighboring property due to changes in water flooding patterns on the proposed site.
3. Inadequate control of airborne contaminants and particulate matter on the proposed site.
4. Endangered and threatened species habitat. The Texas Horned Lizard and the Texas Indigo Snake are a few that inhabit the proposed site.



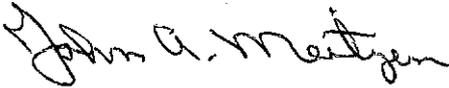
5. Effects of proposed site water runoff on the nearby Rio Grande River and Falcon Reservoir further downstream.

MSW

6. Effects of migrating groundwater contaminants on nearby Rio Grande River and downstream underground water reserves.
7. The proposed permit application does not adequately address what material will be allowed for use as cover for daily waste dumping. The permit application should state that only fresh dirt, not sludge, contaminated dirt, tire chips or tarps may be used as cover.
8. The permit application should be eligible for renewal in five year intervals. No permit should ever be granted for a period longer than five years.
9. The applicant has not sufficiently addressed wetland issues within the proposed site or adjacent areas.
10. Standard EPA requirements found in 40 CFR § 258.40(a)(2) and adopted in Texas at 30 TAC § 330.200(a)(2) provide that new municipal solid waste landfill facility units and lateral expansions shall have a composite liner and a leachate collection system.
11. The applicant has not adequately addresses future land uses in the vicinity of the proposed site. Future population growth, traffic patterns and land developments plans have not been addressed.
12. The applicant has also not considered mineral exploration within the proposed site and in the neighboring vicinity.
13. The proposed permit application does not adequately address the smells, vector contaminants and other nuisances associated with grease trap and grit trap waste.

These are some of the areas in which the applicant has not met its burden of responsibility. This permit application should be denied and I am requesting a contested case hearing.

Sincerely,



John A. Meitzen

CERTIFIED MAIL

John A. Meitzen
P.O. Box 515
Eagle Lake, TX 77434



7012 2920 0001 3019 0025

1009



2013 MAR 26 PM 2:36

CHIEF CLERKS OFFICE

U.S. POSTAL
PAID
EAGLE LAKE, TX
77434
MAR 22, '13
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TEXAS
COMMISSION
ON ENVIRONMENTAL QUALITY

Texas Commission on Environmental Quality
Office of the Chief Clerk - MC-105
P.O. Box 13087
Austin, TX 78711

RECEIVED
MAR 26 2013
MAIL CENTER
**RETURN RECEIPT
REQUESTED**

787113087 8012



Marisa Weber

From: PUBCOMMENT
Sent: Wednesday, August 08, 2012 7:36 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2374
Attachments: Johnny's letter.doc

*msw
77621*

H

From: PUBCOMMENT-OCC
Sent: Monday, August 06, 2012 9:57 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 2374

From: jmoutdoorstx@aol.com [<mailto:jmoutdoorstx@aol.com>]
Sent: Friday, August 03, 2012 3:06 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

REGULATED ENTITY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: John A. Meitzen

E-MAIL: jmoutdoorstx@aol.com

COMPANY:

ADDRESS: PO BOX 515
EAGLE LAKE TX 77434-0515

PHONE: 9797581600

FAX: 9792342247

msw

COMMENTS: I object to the proposed landfill. Location of my property: ABST 2226 P1656 F C Jordan, 375.696 acres And ABST 2625 Sur 260 F C Jordan, 14.76 acres. My property is in close proximity to the land proposed for the waste management facility. Specific description of adverse affects by the facility: Devaluation of my property; Interfere with my enjoyment of this land; Pollution of land and underground water, as well as, stock tanks; Air pollution; Noise pollution; Adverse conditions for wildlife and domestic animals; Interference with the usual and acceptable use of the land; Traffic congestions; Unacceptable odors, Introduction of foreign waste material; Introduction of rodents and other pests foreign to the area and It will be unsightly. I request a contested case hearing.

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

August 3, 2012

RE: Permit No. 2374

Dear Sir/Madam,

I, John A. Meitzen, own 390.456 acres in close proximity to the land proposed for the waste management facility by Rancho Viejo Waste Management, LLC. The location of my property: ABST 2226 P1656 F C Jordan, 375.696 acres and ABST 2625 Sur 260 F C Jordan, 14.76 acres.

I object to the approval of permit #2374 for the following reasons:

- 1) It will devalue my property.
- 2) It will interfere with our enjoyment of this land.
- 3) It will pollute the land and the underground water, as well as, the stock tanks water.
- 4) It will produce air pollution.
- 5) It will produce noise pollution.
- 6) It will cause adverse conditions for wildlife and domestic animals.
- 7) It will interfere with the usual and acceptable use of the land.
- 8) It will cause traffic congestions.
- 9) It will generate unacceptable odors.
- 10) It will introduce foreign waste material.
- 11) It will introduce rodents and other pests foreign to the area.
- 12) It will be very unsightly.

I request a contested case hearing.

Thank you for your consideration of this matter.

Sincerely,

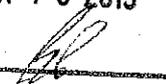
John A. Meitzen

John A. Meitzen
P. O. Box 515
Eagle Lake, Texas 77434-0515

jmoutdoorstx@aol.com
(979) 758-1600 C
(979) 234-2247 Fax

REVIEWED

MAR 18 2013

By 

Office of the Chief Clerk, TCEQ
Mail Code MC-105
P. O. Box 13087
Austin, Texas 78711-3087

March 12, 2013

**RE: Pescadito Environmental Resource Center – Webb County
Municipal Solid Waste (MSW) Proposed Permit No. 2374**

*msw
12977
7762*

CHIEF CLERKS OFFICE

2013 MAR 18 AM 10:11

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

To Whom It May Concern,

I OWN 390.457 ACRES OF LAND IN THE F.C. JORDAN SURVEY, WITHIN A MILE OF THE PROPOSED SIGHT. 375.697 ACRES OF SURVEY NO. 1656, ABSTRACT 2662, AND 14.76 ACRES OF SURVEY 260 (T & N O SURVEY NO.266) ABSTRACT 2625 IN WEBB COUNTY, TEXAS, BEING KNOWN AS TRACT NO.8 RECORDED IN VOLUME, 413 PAGES 214-217 OF THE DEED RECORDS OF WEBB COUNTY, TEXAS.

I oppose the approval of permit #2374 and I am not in agreement with the TCEQ's preliminary decision that the location is compatible with surrounding land uses for the following reasons:

Has TCEQ done any checking on Mr. Benavides clay box anomaly claimed by his experts during the public comments on the 8th? Or will anyone check it out? What about the requirements for rubber liners normally required?

- 1) Because 43 percent of the 1,100 acres of the proposed site is in the 100-year floodplain, I believe your determination for compatible land use has been made without sufficient investigation for how water enters or leaves the proposed site and surrounding tracts of ranch land. The application does not specifically address flood plain issues that may result in contamination of ours and other neighboring tracts by flowing water. I cite Texas Administrative Code (TAC) Section 330.547 which states that solid waste disposal facilities should not be located in the flood plain. If the 1,100-acre footprint of the proposed landfill had never been inundated by flooding, it is reasonable that a land use compatibility determination could be made prior to the completion of the applicant's technical data. Why has the TCEQ's land use compatibility been determined before it is proven by thorough investigation how water moves across the proposed site and surrounding properties?
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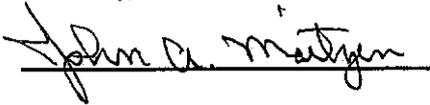
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- 12) The installation of this waste management site will introduce rodents and other pests foreign to the area but common to landfills.
- 13) The installation of this waste management site will affect and definitely lower land values for all surrounding areas.

For the foregoing reasons, I request that the application not be approved and the permit not be issued.

This letter is intended to serve as my formal written Public Comment opposing the above referenced Proposed Permit #2374.

Thank you for your consideration of this matter.

Sincerely,



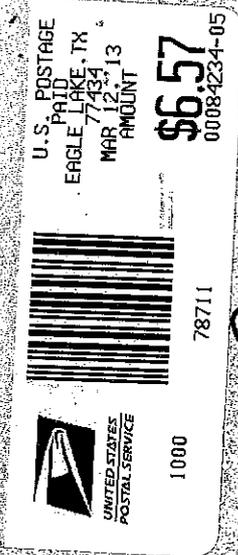
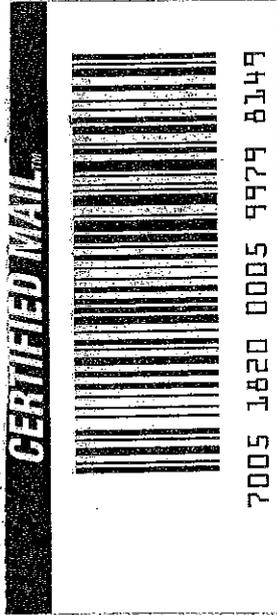
John A. Meitzen
P.O. Box 515
1372 Meitzen Lake Road
Eagle Lake, Texas 77434
Tel. 979-758-1600
Email address; jmoutdoorstx@aol.com

John A. Meitzen
P.O. Box 515
Eagle Lake, Texas 77434

CHIEF CLERKS OFFICE

2013 MAR 18 10 00 AM

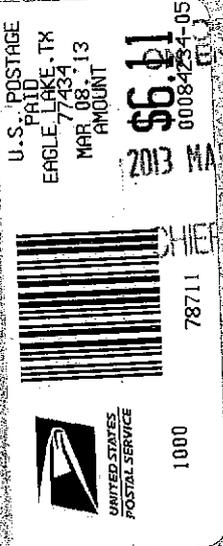
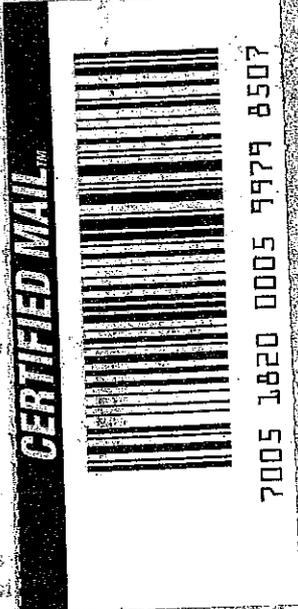
TEXAS
COMMERCIAL
MAIL CENTER



OFFICE OF THE CHIEF CLERK, TCEC
MAIL CODE MC-10
P.O. BOX 13087
AUSTIN, TEXAS
78711-3087

EST 18367
AUSTIN, TEXAS
78711-3087

John A. Meitzen
P.O. Box 515
Eagle Lake, Texas 77434



IMPROVED QUALITY

MAR 12 2013

OFFICE OF THE CHIEF CLERK, TCEQ

RECEIVED

MAR 12 2013

TCEQ MAIL CENTER
AJ

MAIL CODE MC-105

P.O. Box 13087

AUSTIN, TEXAS 78711-3087

6

TCEQ Public Meeting Form
February 28, 2013

Rancho Viejo Waste Management, LLC
Municipal Solid Waste
Permit No. 2374

PLEASE PRINT

Name: John A MEITZEN

Mailing Address: P.O. Box 515

Physical Address (if different): 1372 MEITZEN

City/State: EAGLE LAKE, Texas Zip: _____

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

Email: JMOVTDORSTX @ AOL.COM ✓

Phone Number: 979-752-1600

• 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.

ma

Marisa Weber

From: PUBCOMMENT
Sent: Tuesday, March 26, 2013 9:30 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2374
Attachments: Comments2.pdf

Handwritten: MW / 77621

PM
H

From: PUBCOMMENT-OCC
Sent: Tuesday, March 26, 2013 7:15 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 2374

From: dmiller@msmtx.com [mailto:dmiller@msmtx.com]
Sent: Monday, March 25, 2013 4:56 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

REGULATED ENTY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: Dan Miller

E-MAIL: dmiller@msmtx.com

COMPANY: McElroy, Sullivan, Miller, Weber & Olmstead, LLP

ADDRESS: PO BOX 12127
AUSTIN TX 78711-2127

PHONE: 5123278111

Handwritten: MW

FAX: 5123276566

COMMENTS: See attached

**McELROY, SULLIVAN, MILLER,
WEBER & OLMSTEAD, L.L.P.**
Attorneys at Law

MAILING ADDRESS

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AUSTIN, TX 78746

TELEPHONE

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FAX

(512) 327-6566

March 25, 2013

Via Electronically

Office of the Chief Clerk, TCEQ
Mail Code MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Pescadito Environmental Resource Center – Webb County; Municipal
Solid Waste Permit – Land Use Compatibility Determination Application No.
2374

To Whom It May Concern:

Hurd Enterprises, Ltd. (“Hurd”) offers the following comments on Rancho Viejo Waste Management, LLC’s (“Applicant”) application for proposed Municipal Solid Waste Permit No. 2374, Parts I and II, Land Use Compatibility (“the Application”), Webb County, Texas:

1. Notice of the Application was not provided as required by Chapter 39 and Chapter 330.
2. The Application does not conform to provisions of the regional solid waste management plan of the South Texas Development Council, including ensuring long-range disposal capacity (Goal 1), protecting water and other environmental resources (Recommendation 10.2), general land use compatibility, visual impacts, impacts to environmental features including the 100-year floodplain and wetlands located on the proposed site, and impacts to local traffic patterns.
3. Part I of the Application does not correctly identify the State Representative within whose district the facility is proposed to be located, The Honorable Tracy King.
4. The Application does not correctly identify the owners of the property on which the facility is proposed to be located. ANB Cattle Company, Ltd. is an owner of such property, but is not identified as such in the Application.

5. The Application does not include a property owner's affidavit executed on behalf of ANB Cattle Company, Ltd., an owner of the property on which the facility is proposed to be located.
6. The Applicant, Rancho Viejo Waste Management, LLC, does not have a sufficient ownership interest in or right to use the property on which the facility is proposed to be located for a municipal solid waste landfill facility.
7. The proposed facility is not a compatible land use because persons and/or entities other than Rancho Viejo Waste Management, LLC have sufficient ownership interests in and/or rights to use the property for purposes of exploring for, developing, producing, and transporting minerals, including oil and gas.
8. The Application does not correctly identify the location and extent of all easements, pipelines, and roadways located within the property on which the facility is proposed to be located.
9. The proposed facility is not a compatible land use because the waste management unit is proposed to be located in wetlands.
10. The proposed facility is not a compatible land use because the waste management unit is proposed to be located within the 100-year floodplain.
11. The Application does not adequately address sites of potential historical significance. The location evaluated by the State Historic Preservation Officer is not specified and the cultural resources in the Application states that "the presence of...resources within the [project area] is unknown."
12. The Application does not demonstrate compliance with the easement protection location restriction in 30 TAC 330.543(a) and, because easements, pipelines, and roadways other than those shown in the Application are located within the property on which the facility is proposed to be located, the facility as proposed will not comply with this location restriction.
13. The Application does not demonstrate compliance with the floodplains location restriction in 30 TAC 330.547 and, because the waste management unit is proposed to be located within the 100-year floodplain, the facility as proposed will not comply with this location restriction.
14. The Application does not demonstrate compliance with the endangered and threatened species location restriction in 30 TAC 330.551
15. The Applicant's evidence of competency does not comply with 330.59(e). The Applicant and Application lacks any landfilling and earthmoving experience, and provides insufficient detail on key personnel, and the number/size of each type of equipment to be

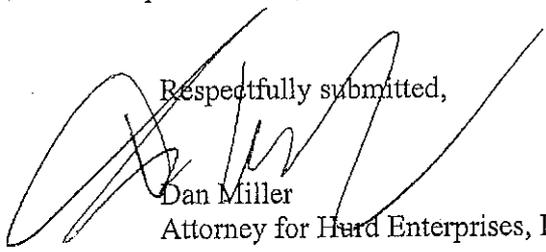
dedicated to facility operation. The information provided on equipment is inconsistent with equipment identified in Part II of the Application.

16. The Application's waste acceptance plan is inadequate for the Applicant's proposed operations. According to the waste acceptance plan the landfill will be only a Type I municipal solid waste landfill. Additionally, the waste acceptance plan does not provide information on the sources and characteristics of wastes proposed to be received at the proposed landfill, including, but not limited to, the sources and characteristics of waste from Mexico.
17. The general location maps do not depict the current status of the surrounding roads.
18. The Application's facility layout maps are inadequate and do not show the general locations of main interior roadways for the entire proposed landfill, the locations of monitor wells, provisions for the maintenance of any natural windbreaks, plans for screening the facility from public view, landfill units/cells, buffer zones, and oil and gas operations.
19. The Application's aerial photograph is dated and does not provide current information.
20. The Application's land-use map is dated and does not provide current information.
21. The information in the Application related to transportation fails to provide adequate data on "the availability and adequacy of roads that the owner or operator will use to access the site," including Jordan Road, the road extending from Jordan Road to the proposed landfill, and the direct rail access road. Additionally, maps included with the Application identify multiple access roads to the site that are not addressed. The Application does not provide information on the volume of vehicular traffic on access roads within one mile of the proposed landfill, both existing and expected, as required by 330.61(i)(2) or the size/weight of such vehicular traffic. The letter from Webb County Judge included in the Application assumes that proposed landfill will be served by rail and not impact traffic, which is not consistent with the Application. Nor is there a discussion of the interaction between oil and gas related traffic and landfill related traffic. The Application fails to consider the proposed landfill's operating hours in relation to vehicular traffic.
22. The information in the Application related to general geology and soils is inadequate and fails to meet the requirements of 330.61(j). The information provided is too general for the public, including Hurd, to meaningfully comment. There are no figures, cross-sections, strat columns, or soil maps. The Applicant has not complied with 330.555. The area has experienced withdrawal of crude oil, natural gas, sulfur, etc., or significant amounts of groundwater. The information in the Application does not contain the information necessary to determine whether the area is unstable as required by 330.559(1)-(3). Additionally, the Application lacks the demonstration required by 330.559.

23. The Applicant failed to provide sufficient information about groundwater and surface water as required by 330.61(k). The Application does not contain data on surface water at and near the site, such as the size and characteristics of the water bodies, and does not include information related to the proposed landfill design, including drainage controls.
24. The Application does not contain all the information required by 330.61(l), which requires that the owner or operator "provide the executive director with written certification that these wells have been properly capped, plugged, and closed in accordance with all applicable rules and regulations of the Railroad Commission at the time of application." Such certification is missing from the Application.
25. The Application does not contain a wetlands determination that meets the requirements of 330.61(m)(2) or wetlands demonstrations required by 330.553.
26. The information in the Application related to endangered and threatened species does not comply with 330.61(n). The proposed example protection measures for the indigo snake reference the wrong snake. Additionally, the Application does not contain correspondence from the United States Fish and Wildlife Service on locations and specific data relating to endangered and threatened species in Texas.
27. Under 330.55(a) owners or operators of certain waste management facilities should consult with the TCEQ's Air Permits Division on or before the date that the municipal solid waste application is filed with the executive director. The Application does not indicate whether such consultation took place. The Applicant has not provided an analysis on whether its proposed landfill operations can comply with a standard air permit.
28. The Applicant has also not provided information in response to 330.55(b) (Water pollution control).
29. Section 18 of Part II of the Application simply recites the general prohibitions contained in 330.15. The Application does not provide details on how construction and operation of the proposed landfill will comply with 330.15.

Hurd reserves the right to submit additional comments on this Application and any future revisions/parts of the Application. Hurd also requests a contested case hearing and a public meeting.

Respectfully submitted,


Dan Miller

Attorney for Hurd Enterprises, Ltd.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, August 05, 2013 8:54 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2374
Attachments: 2013-08-02_Hurd Hearing Request1.pdf

H

From: dmiller@msmtx.com [<mailto:dmiller@msmtx.com>]
Sent: Friday, August 02, 2013 4:06 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

msw
77621

REGULATED ENTY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: Dan C Miller

E-MAIL: dmiller@msmtx.com

COMPANY: McElroy Sullivan Miller Weber & Olmstead, LLP

ADDRESS: PO BOX 12127
AUSTIN TX 78711-2127

PHONE: 5123278111

FAX: 5123276566

COMMENTS: Please see attached hearing request.

msw

McELROY, SULLIVAN, MILLER,
WEBER & OLNSTEAD, L.L.P.
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August 2, 2013

Filed Electronically

Bridget Bohac, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Pescadito Environmental Resource Center – Webb County;
Municipal Solid Waste Permit Application No. 2374–
Land Use Compatibility Determination
Hearing Request

To Whom It May Concern:

Hurd Ranch Company, Ltd., Hurd Enterprises, Ltd., Killam & Hurd, and John R. Hurd Jr. and E. Eugene Garcia, individually and on behalf of Hurdco, Inc.¹, (for convenience, collectively “the Hurds”) request a contested case hearing on the application of Rancho Viejo Waste Management, LLC (“Applicant”) for proposed Municipal Solid Waste Permit No. 2374, application Parts I and II, Land Use Compatibility (“the Application”), Webb County, Texas.

The Hurds (Hurd Ranch Company, Ltd.) own a ranch approximately 16,500 acres in size located less than 2 miles south and southeast from the proposed landfill facility. This ranch has served as a home ranch to the Hurd family for multiple generations. The ranch includes three permanent residences and various other buildings, including a horse barn, workshop and storage shed. The Hurds, their family members, guests, and/or employees live, ranch (run cattle, grow grass for feed, raise horses), and recreate (hunt, fish, bird watch, ride horses) on this property. The Hurds regularly use this property and stay at the houses on the ranch. There are also several permanent residents at the ranch. The Hurds have several water wells located on portions of the ranch near the proposed landfill site that supply water to the ranch residences and livestock. A significant portion of both the railroad and the roadway that will be used to access the proposed landfill facility and to transport waste to it traverse the ranch (approximately 6.2 miles of the railroad and approximately 3.9 miles of the roadway). The Applicant’s proposed use of the railroad, which has had past train derailments on and near the ranch, to transport waste to the proposed landfill facility threatens the Hurds’ property. Additionally, surface water from the proposed facility site generally flows south towards the ranch. Given the proximity of the

¹ John R. Hurd, Jr. and E. Eugene Garcia are Presidents of Hurdco, Inc., a general partner of both Hurd Enterprises, Ltd. and Hurd Ranch Company, Ltd.

proposed facility and the many miles of railroad and roadway that traverse the ranch and that will be used for transporting waste to the facility, construction and operation of the proposed facility will adversely impact the Hurds and the use of their property. Moreover, the failure of the Application and the draft permit to meet applicable statutory and regulatory requirements established to protect human health and the environment threatens to impact the Hurds' health, property, groundwater, surface water, and the use and enjoyment of their property.

The Hurds (Hurd Enterprises, Ltd. and Killam & Hurd) also own mineral interests under the proposed landfill facility (as acknowledged by the Applicant in the Application, pursuant to 30 TAC §330.59(c)(3)) and the ranch. Construction and operation of the proposed facility will adversely impact the exploration, development, and production of these minerals. A large municipal solid waste landfill is not compatible with the surrounding land uses and the exploration and development of oil and gas resources in the area.

All contact with the Hurds should be through legal counsel:

Daniel C. Miller
P.O. Box 12127
Austin, Texas 78711
Tel: (512) 327-8111
Fax: (512) 327-6566
dmiller@msmtx.com

However, the names, addresses, phone numbers and fax numbers for the Hurds are as follows:

Hurd Ranch Company, Ltd.
Hurd Enterprises, Ltd.
Killam & Hurd
Hurdco, Inc.
John R. Hurd Jr.
E. Eugene Garcia
7373 Broadway, Suite 200
San Antonio, TX 78209-3265
Tel: (210) 829-5255
Fax: (210) 829-5061

Listed below are the relevant and material disputed issues of fact that were raised during the comment period and that are the basis for this hearing request. Also identified after each disputed issue of fact are the relevant Executive Director's responses to comments that the Hurds dispute.

1. Whether Notice of the Application was provided as required by Chapter 39 and Chapter 330. This relates to Response to Comment ("RTC") 45.

2. Whether the Application conforms to provisions of the regional solid waste management plan of the South Texas Development Council, including ensuring long-range disposal capacity (Goal 1), protecting water and other environmental resources (Recommendation 10.2), general land use compatibility, visual impacts, impacts to environmental features including the 100-year floodplain and wetlands located on the proposed site, and impacts to local traffic patterns. This relates to RTC 14.
3. Whether Part I of the Application correctly identified elected officials, including the Honorable Tracy King. This relates to RTC 47.
4. Whether the Application correctly identifies the owners of the property on which the facility is proposed to be located. ANB Cattle Company, Ltd. is an owner of such property, but is not identified as such in the Application. This relates to RTC 44.
5. Whether the Applicant owns all the land within the proposed permit boundary. This relates to RTC 44.
6. Whether the Application complies with 30 TAC § 330.59(d)(2) (regarding property owner affidavit) and that it does not include a property owner's affidavit executed on behalf of ANB Cattle Company, Ltd., an owner of the property on which the facility is proposed to be located. This relates to RTC 44.
7. Whether the Applicant, Rancho Viejo Waste Management, LLC, has a sufficient ownership interest in or right to use the property on which the facility is proposed to be located for a municipal solid waste landfill facility. This relates to RTC 43.
8. Whether the proposed facility will be compatible with land uses, and adversely impact property located, in the surrounding area. This relates to RTC 9 and 11.
9. Whether the proposed facility is a compatible land use because persons and/or entities other than Rancho Viejo Waste Management, LLC have sufficient ownership interests in and/or rights to use the property for purposes of exploring for, developing, producing, and transporting minerals, including oil and gas. This relates to RTC 43.
10. Whether the Application correctly identifies the location and extent of all easements, pipelines, and roadways located within the property on which the facility is proposed to be located. This relates to RTC 3.

11. Whether the proposed facility is a compatible land use because the waste management unit is proposed to be located in wetlands.
12. Whether the proposed facility is a compatible land use because the waste management unit is proposed to be located within the 100-year floodplain. This relates to RTC 25.
13. Whether the Application adequately addresses sites of potential historical significance. The location evaluated by the State Historic Preservation Officer is not specified and the cultural resources in the Application states that "the presence of...resources within the [project area] is unknown." This relates to RTC 15.
14. Whether the Application demonstrates compliance with the easement protection location restriction in 30 TAC 330.543(a) and, because easements, pipelines, and roadways other than those shown in the Application are located within the property on which the facility is proposed to be located, whether the facility as proposed will comply with this location restriction. This relates to RTC 3.
15. Whether the Application demonstrates compliance with the floodplains location restriction in 30 TAC 330.547 and, because the waste management unit is proposed to be located within the 100-year floodplain, whether the facility as proposed will comply with this location restriction. This relates to RTC 25.
16. Whether the Application demonstrates compliance with the endangered and threatened species location restriction in 30 TAC 330.551. This relates to RTC 21.
17. Whether the Applicant's evidence of competency complies with 330.59(e). The Applicant and Application lacks any landfilling and earthmoving experience, and provides insufficient detail on key personnel, and the number/size of each type of equipment to be dedicated to facility operation. The information provided on equipment is inconsistent with equipment identified in Part II of the Application. This relates to RTC 37.
18. Whether the Application's waste acceptance plan is adequate for the Applicant's proposed operations. According to the waste acceptance plan the landfill will be only a Type I municipal solid waste landfill. Additionally, the waste acceptance plan does not provide information on the sources and characteristics of wastes proposed to be received at the proposed landfill, including, but not limited to, the sources and characteristics of waste from Mexico. This relates to RTC 34.

19. Whether the general location maps depict the current status of the surrounding roads. This relates to RTC 2.
20. Whether the Application's facility layout maps are adequate and show the general locations of main interior roadways for the entire proposed landfill, the locations of monitor wells, provisions for the maintenance of any natural windbreaks, plans for screening the facility from public view, landfill units/cells, buffer zones, and oil and gas operations. This relates to RTC 4.
21. Whether the Application's aerial photograph is dated and provides current information. This relates to RTC 5.
22. Whether the Application's land-use map is dated and provides current information. This relates to RTC 5.
23. Whether the information in the Application related to transportation provides adequate data on "the availability and adequacy of roads that the owner or operator will use to access the site," including Jordan Road, the road extending from Jordan Road to the proposed landfill, and the direct rail access road. Additionally, maps included with the Application identify multiple access roads to the site that are not addressed. This relates to RTC 2.
24. Whether the Application provides information on the volume of vehicular traffic on access roads within one mile of the proposed landfill, both existing and expected, as required by 330.61(i)(2) or the size/weight of such vehicular traffic. The letter from the Webb County Judge included in the Application assumes that proposed landfill will be served by rail and not impact traffic, which is not consistent with the Application. Nor is there a discussion of the interaction between oil and gas related traffic and landfill related traffic. The Application fails to consider the proposed landfill's operating hours in relation to vehicular traffic. This relates to RTC 2.
25. Whether the information in the Application related to general geology and soils is adequate and meets the requirements of 330.61(j). There are no figures, cross-sections, strat columns, or soil maps. This relates to RTC 28.
26. Whether the Applicant has complied with 330.555. The area has experienced withdrawal of crude oil, natural gas, sulfur, etc., or significant amounts of groundwater. This relates to RTC 28.

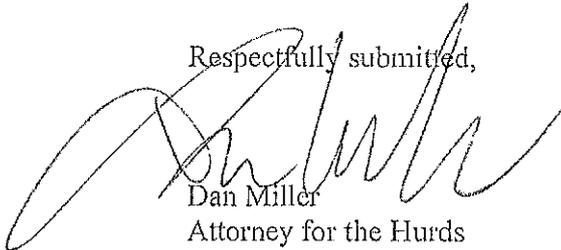
27. Whether the Application contains the information necessary to determine if the area is unstable as required by 330.559(1)-(3). Additionally, whether the Application lacks the demonstration required by 330.559. This relates to RTC 28.
28. Whether the roadways that the owner or operator proposes to use to access the facility are adequate. This relates to RTC 2.
29. Whether the Applicant provides sufficient information about groundwater and surface water as required by 330.61(k). The Application does not contain data on surface water at and near the site, such as the size and characteristics of the water bodies, and does not include information related to the proposed landfill design, including drainage controls. This relates to RTC 24.
30. Whether the Application contains all the information required by 330.61(l), which requires that the owner or operator "provide the executive director with written certification that these wells have been properly capped, plugged, and closed in accordance with all applicable rules and regulations of the Railroad Commission at the time of application." Such certification is missing from the Application. This relates to RTC 6.
31. Whether the Application contains a wetlands determination that meets the requirements of 330.61(m)(2) or wetlands demonstrations required by 330.553. This relates to RTC 26.
32. Whether the information in the Application related to endangered and threatened species complies with 330.61(n). The proposed example protection measures for the indigo snake reference the wrong snake. Additionally, the Application does not contain correspondence from the United States Fish and Wildlife Service on locations and specific data relating to endangered and threatened species in Texas. This relates to RTC 21.
33. Whether the Application complies with 330.55(a). Under 330.55(a) owners or operators of certain waste management facilities should consult with the TCEQ's Air Permits Division on or before the date that the municipal solid waste application is filed with the executive director. The Application does not indicate whether such consultation took place. Additionally, whether the Applicant has provided an analysis on whether its proposed landfill operations can comply with a standard air permit. This relates to RTC 17.

34. Whether the Applicant has provided information in response to 330.55(b) (Water pollution control). This relates to RTC 7.

35. Whether the Application provides details on how construction and operation of the proposed landfill will comply with 330.15. Section 18 of Part II of the Application simply recites the general prohibitions contained in 330.15. This relates to RTC 38.

The Hurds reserve the right to identify additional issues regarding this Application and any future revisions/parts of it.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dan Miller', is written over the typed name and title.

Dan Miller

Attorney for the Hurds

DCM/sm

Marisa Weber

From: PUBCOMMENT
Sent: Monday, April 29, 2013 11:40 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2374
Attachments: 2013-04-29 Hurd Comments_2.pdf

msw
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H
PM

From: PUBCOMMENT-OCC
Sent: Monday, April 29, 2013 11:36 AM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 2374

From: dmiller@msmtx.com [<mailto:dmiller@msmtx.com>]
Sent: Monday, April 29, 2013 11:26 AM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

REGULATED ENTY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: Dan Miller

E-MAIL: dmiller@msmtx.com

COMPANY: McElroy, Sullivan, Miller, Weber & Olmstead, LLP

ADDRESS: PO BOX 12127
AUSTIN TX 78711-2127

PHONE: 5123278111

msw

FAX:

COMMENTS: Please see attached comments.

**McELROY, SULLIVAN, MILLER,
WEBER & OLMSTEAD, L.L.P.**
Attorneys at Law

MAILING ADDRESS

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FAX

(512) 327-6566

April 29, 2013

Via Electronically

Office of the Chief Clerk, TCEQ
Mail Code MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Pescadito Environmental Resource Center – Webb County; Municipal
Solid Waste Permit – Land Use Compatibility Determination Application
No. 2374

To Whom It May Concern:

Hurd Enterprises, Ltd. (“Hurd”) offers the following comments on Rancho Viejo Waste Management, LLC’s (“Applicant”) application for proposed Municipal Solid Waste Permit No. 2374, Parts I and II, Land Use Compatibility (“the Application”), Webb County, Texas:

1. Notice of the Application was not provided as required by Chapter 39 and Chapter 330.
2. The Application does not conform to provisions of the regional solid waste management plan of the South Texas Development Council, including ensuring long-range disposal capacity (Goal 1), protecting water and other environmental resources (Recommendation 10.2), general land use compatibility, visual impacts, impacts to environmental features including the 100-year floodplain and wetlands located on the proposed site, and impacts to local traffic patterns.
3. Part I of the Application does not correctly identify the State Representative within whose district the facility is proposed to be located, The Honorable Tracy King.
4. The Application does not correctly identify the owners of the property on which the facility is proposed to be located. ANB Cattle Company, Ltd. is an owner of such property, but is not identified as such in the Application.
5. The Application does not include a property owner’s affidavit executed on behalf of ANB Cattle Company, Ltd., an owner of the property on which the facility is proposed to be located.

6. The Applicant, Rancho Viejo Waste Management, LLC, does not have a sufficient ownership interest in or right to use the property on which the facility is proposed to be located for a municipal solid waste landfill facility.
7. The proposed facility is not a compatible land use because persons and/or entities other than Rancho Viejo Waste Management, LLC have sufficient ownership interests in and/or rights to use the property for purposes of exploring for, developing, producing, and transporting minerals, including oil and gas.
8. The Application does not correctly identify the location and extent of all easements, pipelines, and roadways located within the property on which the facility is proposed to be located.
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12. The Application does not demonstrate compliance with the easement protection location restriction in 30 TAC 330.543(a) and, because easements, pipelines, and roadways other than those shown in the Application are located within the property on which the facility is proposed to be located, the facility as proposed will not comply with this location restriction.
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23. The roadways that the owner or operator proposes to use to access the facility are not adequate.

24. The Applicant failed to provide sufficient information about groundwater and surface water as required by 330.61(k). The Application does not contain data on surface water at and near the site, such as the size and characteristics of the water bodies, and does not include information related to the proposed landfill design, including drainage controls.
25. The Application does not contain all the information required by 330.61(l), which requires that the owner or operator "provide the executive director with written certification that these wells have been properly capped, plugged, and closed in accordance with all applicable rules and regulations of the Railroad Commission at the time of application." Such certification is missing from the Application.
26. The Application does not contain a wetlands determination that meets the requirements of 330.61(m)(2) or wetlands demonstrations required by 330.553.
27. The information in the Application related to endangered and threatened species does not comply with 330.61(n). The proposed example protection measures for the indigo snake reference the wrong snake. Additionally, the Application does not contain correspondence from the United States Fish and Wildlife Service on locations and specific data relating to endangered and threatened species in Texas.
28. Under 330.55(a) owners or operators of certain waste management facilities should consult with the TCEQ's Air Permits Division on or before the date that the municipal solid waste application is filed with the executive director. The Application does not indicate whether such consultation took place. The Applicant has not provided an analysis on whether its proposed landfill operations can comply with a standard air permit.
29. The Applicant has also not provided information in response to 330.55(b). (Water pollution control).
30. Section 18 of Part II of the Application simply recites the general prohibitions contained in 330.15. The Application does not provide details on how construction and operation of the proposed landfill will comply with 330.15.

Hurd reserves the right to submit additional comments on this Application and any future revisions/parts of the Application. Hurd also requests a contested case hearing and a public meeting.

Respectfully submitted,



Dan Miller *fr*

Attorney for Hurd Enterprises, Ltd.

Office of the Chief Clerk, MC 105, TCEQ
P.O. BOX 13087
Austin, Texas 78711-3087

July 21, 2011

RE: Permit No. 2374

Dear Sir/Madam,

Villarreal Real Estate Company Inc., owns 334.0176 acres adjacent to the land for the proposed waste management facility by Rancho Viejo Waste Management, LCC. If allowed, it will face my front yard.

I object to the approval of permit # 2374 for the following reasons:

- 1) It will devalue my property.
- 2) It will pollute the land and the underground and stock tanks water.
- 3) It will be unsightly.
- 4) It will cause adverse conditions for wildlife and domestic animals.
- 5) It will interfere with the usual and acceptable use of the land.
- 6) It will cause traffic congestions.
- 7) It will generate unacceptable odors.
- 8) It will introduce foreign waste material.
- 9) It will introduce rodents and other pests foreign to the area.

I request a contested case hearing.

Thank you for your consideration of this matter.

Sincerely,

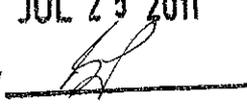


Miguel A. Villarreal, President
1400 Lincoln St.
Laredo, Texas 78040
mvveco@sbcglobal.net ✓

(956)722-2471
(956)220-5079

H

OPA
JUL 25 2011

BY 

2011 JUL 25 AM 10:35
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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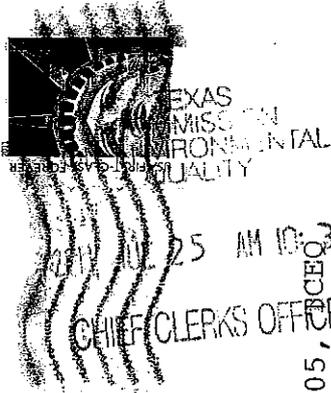
VILLARREAL REAL REAL ESTATE CO.
1400 Lincoln St.
Laredo, Texas 78040

RECEIVED

JUL 25 2011

TCEQ MAIL CENTER
MM

OFFICE OF THE CHIEF CLERK, MC 105, TCEQ
P.O. BOX 13087
AUTIN, TEXAS 78711-3087

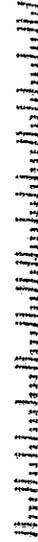


MAIL DELIVERED IN 702

22 JUL 2011 4PM 711

JUL 25 AM 10:35
CHIEF CLERKS OFFICE

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MSU
12977
77102

Volz Logistics, Ltd.

Warehouse & Yard: 1701 Markley Lane Laredo, TX 78041
Mailing Address: 1510 Houston St. Laredo, TX 78040 ✓
Ph: 956-753-2224 Fax: 956-753-2225
E-Mail: info@volzlogistics.com ✓

HR
OPA

JUL 18 2011

By

James R. Volz,
1510 Houston St.
Laredo, TX 78041

I James R. Volz have 762 acres of land adjoining the property in question on the North East side of Laredo, TX.

I object to the approval of **PERMIT: #2374** for the following reasons:

- Devaluation of property
- Pollution of land and underground water
- Unsightly conditions
- Adverse conditions for wildlife and domestic animals
- Interference with the usual and acceptable use of land

These are a few of the reasons I oppose. **PLEASE** ask for a public hearing prior to land approval.

Regards,
Mr. James R. Volz

X James Volz

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2011 JUL 18 AM 10:15
CHIEF CLERKS OFFICE

Handwritten initials or mark at the bottom right corner.

HR/OPA
JUL 22 2011

By DM

Mary L. Wied
4913 Elmwood
Pkwy.
Metairie, La
70003
1-504-888-3454

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

*msw
7-7-21*

I, Mary L. Wied, of 4913 Elmwood Parkway, Metairie, La 70003; phone#1-504-888-3454 would like it made known that I object to the approval of permit: #2374.

I, Mary L. Wied, own 520 acre of land adjoining the property in question to the East side of Laredo, Texas.

I oppose for the following reasons and ask for a Public Hearing:

- 1. DEVALUATION OF PROPERTY
- 2. POLLUTION OF LAND AND UNDERGROUND
- WATER
- 3. UNSIGHTLY CONDITIONS
- 4. ADVERSE CONDITIONS FOR WILDLIFE AND
- DOMESTIC
- ANIMALS
- 5. HUMAN HEALTH HAZARDS
- 6. INTERFERENCE WITH THE USUAL AND
- ACCEPTABLE
- USE OF LAND

Sincerely,
Mary L. Wied

Mary Louise Ann Wied

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2011 JUL 22 AM 10:12
CHIEF CLERKS OFFICE

msw

MARY L. WIED
4913 Elmwood Pkwy
METARIE, LA. 70063

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JUL 22 2011

TCEQ MAIL CENTER

AR
OFFICE OF THE CHIEF CLERK

McIOS, TCEQ

P.O. Box 13087

AUSTIN, TEXAS 78710

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CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY



7871143087

|||||

HR
OPA

JUL 22 2011

BY *DM*

Robert F. Wied
4913 Elmwood
Pkwy.
Metairie, La
70003
1-504-888-3454

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

msw
77621

I, Robert F. Wied, of 4913 Elmwood Parkway, Metairie, La 70003; phone#1-504-888-3454 would like it made known that I object to the approval of permit: #2374.

I, Robert F. Wied, own 520 acre of land adjoining the property in question to the East side of Laredo, Texas.

I oppose for the following reasons and ask for a Public Hearing:

- 1. DEVALUATION OF PROPERTY
- 2. POLLUTION OF LAND AND UNDERGROUND
- WATER
- 3. UNSIGHTLY CONDITIONS
- 4. ADVERSE CONDITIONS FOR WILDLIFE AND DOMESTIC ANIMALS
- 5. HUMAN HEALTH HAZARDS
- 6. INTERFERENCE WITH THE USUAL AND ACCEPTABLE USE OF LAND

Sincerely,
Robert F. Wied

Robert F. Wied

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2011 JUL 22 AM 10:12
CHIEF CLERKS OFFICE

msw

Marisa Weber

From: PUBCOMMENT
Sent: Monday, August 13, 2012 9:30 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2374

*msw
77621*

H

From: PUBCOMMENT-OCC
Sent: Friday, August 10, 2012 12:27 PM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number 2374

From: bwied@wiedfamily.us [mailto:bwied@wiedfamily.us]
Sent: Friday, August 10, 2012 12:25 PM
To: doNotReply@tceq.state.tx.us
Subject: Public comment on Permit Number 2374

REGULATED ENTY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: MR Robert F Wied, JR

E-MAIL: bwied@wiedfamily.us

COMPANY:

ADDRESS: 5147 OVERLOOK LN
CANANDAIGUA NY 14424-9112

PHONE: 2037334062

FAX:

msw

COMMENTS: ROBERT F WIED, Jr 5147 Overlook Lane Canandaigua, NY 14424 203-733-4062 August 10, 2012 Office of the Chief Clerk, MC 105, TCEQ P O Box 13087 Austin , TX 78711 RE: Rancho Viejo Waste Management Facility Webb County, Texas TCEQ Permit # 2374 To whom it may concern: My name is Robert F Wied, Jr. and my family owns property [(Abstract 2625, Survey 260, T C Jordan(254.8 acres), Abstract 1296, Survey 1643 G C and SF (123.47 acres), Abstract 1759, Survey 2258, J M Swisher (7.06 acres), Abstract 2624, Survey 1642, F C Jordan (10.32 acres), Abstract 2625, Survey 260, F C Jordan (115.7 acres)]adjacent to the Yugo Ranch very near the proposed Rancho Viejo Waste Management Facility proposed in Webb County, Texas. Our family has owned this property for nearly 7 generations over the past 130 years. I am in receipt of your letter issued July 12, 2012 regarding the referenced application and preliminary decision. I find it very disconcerting that the preliminary decision by the commission has made a determination that this application is "compatible with surrounding land use". A project of this magnitude will have permanent irreparable harm and negative environmental effects on not only the immediate surrounding properties but to those for miles around. This project is not only immense and overwhelming in it size, but potentially in duration as well and it will most certainly change the character of this area through the next 100 plus years of its anticipated operation. For this application to make representations, as it does in Section 8, that this facility "will not have an inverse impact on human health or the environment in the area surrounding the facility" and that "no adverse impacts on the environment of the area are anticipated from the proposed landfill operations" are simply unsubstantiated rhetoric without any truth in fact. Because of the close proximity of this project to my family's property this project if approved would have serious negative economic impact on the value of our property, pose a serious threat to the ground water underlying our property, cause a severe nuisance because of noise and smells emanating from the project and create significant health and public safety concerns because of issues related to, but without limitation, traffic, vermin, aesthetics. I do on behalf of my family hereby join in a request for a contested case hearing to review this matter further and in more detail. Regards, _____
Robert F Wied, Jr.

ROBERT F WIED, Jr
5147 Overlook Lane
Canandaigua, NY 14424

RECEIVED

August 18, 2011

AUG 24 2011

**WASTE PERMITS DIVISION
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

*MSW
7-7621*

Honorable Danny Valdez
Webb County Judge
1000 Houston Street, 3 rd Floor
Laredo, Texas 77040

H

OPA

SEP 01 2011

BY *[Signature]*

CHIEF CLERKS OFFICE

SEP -1 AM 10:35

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Cynthia Scroggins, Manger
Waste Permits Division
Texas Commission on Environmental Quality
Municipal Solid Waste Permits Section/ MC124
PO BOX 13087
Austin, TX 78711-3087

ARTS # 14669041 (14901883)
DUE DATE _____
PM TERES
TEAM ADMIN I II

RE: Rancho Viejo Waste Management Facility
Webb County, Texas
TCEQ Permit # 2374

To whom it may concern:

My name is Robert F Wied, Jr. and my family owns property [(Abstract 2625, Survey 260, T C Jordan(254.8 acres), Abstract 1296, Survey 1643 G C and SF (123.47 acres), Abstract 1759, Survey 2258, J M Swisher (7.06 acres), Abstract 2624, Survey 1642, F C Jordan (10.32 acres), Abstract 2625, Survey 260, F C Jordan (115.7 acres)]adjacent to the Yugo Ranch very near the proposed Rancho Viejo Waste Management Facility proposed in Webb County, Texas. Our family has owned this property for nearly 7 generations over the past 130 years. We have for all our lives, grown up enjoying not only the beauty of the land but also the diverse flora and fauna that this portion of the South Texas Plains has to offer. You can sit quietly out on this property at any time of the day and at any time of season and watch the countryside come alive with different birds, mammals and reptiles. This region, as unforgiving and treacherous as it appears

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to a passerby, is part of a very delicately balanced ecosystem and long to heal from disruption or disturbance of any kind.

I am dumbfounded that as an adjacent property owner and or certainly a "potentially affected" landowner, this project has been allowed to proceed to this point in the review process without even so much as a requirement to notify me as an interested landowner. The names listed in the application for this project is in no way a complete list of adjacent or potentially affected landowners. A project of this magnitude will have permanent negative effects on not only the immediate surrounding properties but to those for miles around. The annual tonnage of "trash" anticipated to be handled by this facility dwarfs the Laredo landfill and will ultimately handle over 5 times the tonnage generated today by that landfill. This project is not only immense and overwhelming in its size, but potentially in duration as well and it will certainly change the character of this area through the next 100 plus years of its anticipated operation.

Has there been any requirement to conduct any significant environmental review other than a woefully inadequate traffic study and investigation of the impact on aviation in the area. While the highways may have the capacity to handle the additional truck trips, the surrounding land does not. Between truck trips from Laredo and railcars from Mexico, this area will never be the same and does not have the capacity to deal with the impact from this type or size of facility. If there ever was a project that rose to the level of requiring a full Environmental Impact Statement, then this is it! How in the world can a 1100 acre landfill be the "next stage of land use for" any site and be "fully compatible ...with cattle ranching" as is claimed in the application by Applicant. If he feels that it is fully compatible then he maybe should consider moving the landfill to a more central location on his ranch so that the cattle don't have to travel all the way to the east side of his 12, 194 acre ranch to find their "compatible" food. This application paints a picture of Jordan Road "dead ending" into the Yugo Ranch, as if there is no one else out there, and this is simply not accurate. And if Jordan Road is paved, will that increase our taxes , **again?**

Since as is stated in the application, "the site is situated in an upland area near the top of the watershed", it sounds to me that the runoff from this site could go in almost any direction, unobstructed. If this is the case then why is there no proposal for a system of dikes and retaining/detention ponds and related storm water management facilities around the site to be constructed so as to restrain any runoff. Even though it is obvious that there is relatively low annual rainfall in this area, if anyone has witnessed this area during a significant rainstorm, as can be generated by an occasional hurricane or tropical storm, then you know that the entire area becomes flooded without restraint of water flow.

The application indicates that there will be a buffer from adjacent landowners of at least ¼ of a mile and, yes the plans indicate a buffer of 1350', which is 30' greater than ¼ mile. This proposed buffer is a joke, if this project has so little impact on surrounding properties and land use then we would propose that the buffers be extended to 1 mile minimum and any response or argument by Applicant, that the facility does not own that land makes a mockery of us all. Applicant knows this project will affect the balance of his Yugo Ranch and that is why he has pushed this location to the extreme eastern side of his property. Another reason is because of the predominate wind directions depicted on the "Wind Rose Map", he does not want the smell over his property either.

For all of the reasons discussed thus far and for those following, for this application to make statements as it does in Section 8, that this facility "**will not have an inverse impact on human health or the environment in the area surrounding the facility**" is absolutely ludicrous! Are you kidding me! Another paragraph in Section 8 states that "no adverse impacts on the environment of the area are anticipated from the proposed landfill operations", come on get real, the facility contemplated by this application will likely be one of, if not the largest of its kind in the US and it **will** have negative impacts upon people and diminish the local land values **forever!**

For there to be a statement in this application in the Section dealing with human health, that flies, rats and mice "are not being considered any further in this analysis because the waste storage and processing methods being employed at the facility will prevent propagation or reproduction" is laughable, are they kidding? Well on second thought, maybe they are contemplating spreading some of their industrial waste from Mexico or some of the waste from the contemplated underground injection wells over the site to help resolve the potential pest issue. And oh, by the way, why are we importing waste from Mexico to dispose of here in Webb County, don't we have enough environmental challenges here on our own without having to import industrial waste here for disposal? I have never seen a sea gull on this land in my entire life, but if this type of facility is approved here they will be mating with the quail and the roadrunners, there will be so many of them!

Allow me if you will another few thoughts on this issue of human health. Anyone who has ever spent time in this part of the country, and this portion of Webb County, is no exception, is familiar with the problems of feral pigs. This area of southern Texas is a finely balanced ecosystem already struggling to cope with the introduced feral hog species. This proposed landfill would provide a large food source for this already problematic hog population. An increase in the hog population is inevitable with such a large food source readily available to them. Hogs "compete with wildlife and livestock for habitat, harbor endemic and exotic diseases, and transmit parasites to domestic livestock and humans." ("Feral Hogs in Texas", by

Texas Cooperative Extension). So lets talk about how these hogs will destroy the ecosystem. This rich food source will provide the optimal environment for a population explosion. As mentioned above hogs harbor diseases that are a threat to both humans and livestock alike. More hogs will increase the probability of cattle and humans more readily coming into contact with them causing an increase in swine brucellosis, pseudo rabies, tuberculosis, tularemia, trichinosis, plague and anthrax just to name a few. This landfill will not only cause a horrific smell for everyone in the area, pollute the ground water, but also cause an increase in the feral hog populations causing diseases and parasites to spread to humans, livestock and wildlife alike.

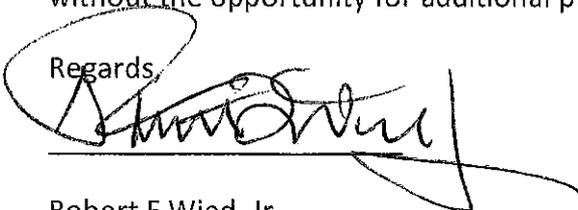
Section 8 also states that there is or will be, as a result of the wind direction, "negligible chances of adverse health effects" to surrounding properties. What is a "negligible chance", how can you and how would you quantify that potential. Do we want to accept an application that is as vague as this one when dealing with health and welfare issues to the land and its people. And has anyone ever been around a landfill site that did not absolutely stink, nuisance smells are not even discussed in this application. Surface disturbance will also create a huge issue with dust control in this region because of the lack of potable water to control the dust and encourage vegetative growth while the site remains open and exposed. This is yet another issue not addressed or even discussed in the application.

The application, in Section 8 suggests that "ground monitoring wells will be designed and installed to check groundwater quality", however in Section 4 of the application states that "none are proposed at this time". Regardless of the potential for useable/potable water wells to be drilled in the area, continuous groundwater monitoring all around a site of this scope should be continuous throughout and beyond the life of any facility contemplated at this or any location. Because the quality of the existing groundwater is poor is no reason to allow for toxic carcinogens to be allowed to be introduced unchecked into whatever groundwater underlies this area.

Section 8 once again, states that "no other residential, recreational, commercial, agricultural or industrial land uses exist for several miles" other than oil and gas operations and cattle ranching. This is nearly accurate, there are very few and **we like it like that** , what is wrong with having a nice place in the country to sit around and enjoy the peace and quiet of south Texas. What is wrong with spending a quiet afternoon in a deer blind as you watch the sun set or what about spending a Saturday afternoon with family fishing in the local tank for bass, or what about spending a day in the saddle with your favorite horse, these are all land uses that exist on our property as well as that of other neighbors, friends and family in the area. If I seem a little cynical in this letter it is truly because I am. This is a huge project that has enormous potential for negative impact on our property and that of everyone around. There are so many issues, I

can only begin to scratch the surface of concerns that are problematic in a project of this magnitude. This project should be pared down in scope, buffers increased and not be allowed to proceed any further without a full environmental impact statement being prepared and without the opportunity for additional public input through the Public Hearing process.

Regards,



Robert F Wied, Jr.

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 8/22/2011 8:45 AM
Subject: Fwd: Public comment on Permit Number 2374
Place: PUBCOMMENT-OCC2

H

>>> PUBCOMMENT-OCC 8/19/2011 10:24 AM >>>

>>> <bwied@wiedfamily.us> 8/19/2011 10:17 AM >>>

REGULATED ENTITY NAME PESCADITO ENVIRONMENTAL RESOURCE CENTER

RN NUMBER: RN106119639

PERMIT NUMBER: 2374

DOCKET NUMBER:

COUNTY: WEBB

PRINCIPAL NAME: RANCHO VIEJO WASTE MANAGEMENT LLC

CN NUMBER: CN603835489

FROM

NAME: MR Robert F Wied, JR

E-MAIL: bwied@wiedfamily.us

COMPANY:

ADDRESS: 5147 OVERLOOK LN

CANANDAIGUA NY 14424-9112

PHONE: 2037334062

FAX:

COMMENTS: ROBERT F WIED, Jr 5147 Overlook Lane Canandaigua, NY 14424 August 18, 2011 RE: Rancho Viejo Waste Management Facility Webb County, Texas TCEQ Permit # 2374 To whom it may concern: My name is Robert F Wied, Jr. and my family owns property [(Abstract 2625, Survey 260, T C Jordan(254.8 acres), Abstract 1296, Survey 1643 G C and SF (123.47 acres), Abstract 1759, Survey 2258, J M Swisher (7.06 acres), Abstract 2624, Survey 1642, F C Jordan (10.32 acres), Abstract 2625, Survey 260, F C Jordan (115.7 acres)]adjacent to the Yugo Ranch very near the proposed Rancho Viejo Waste Management Facility proposed in Webb County, Texas. Our family has owned this property for nearly 7 generations over the past 130 years. We have for all our lives, grown up enjoying not only the beauty of the land but also the diverse flora and fauna that this portion of the South Texas Plains has to offer. You can sit quietly out on this property at any time of the day and at any time of season and watch the countryside come alive with different birds, mammals and reptiles. I am dumbfounded that as an adjacent property owner and or certainly a "potentially affected" landowner, this project has been allowed to proceed to this point in the review process without even so much as a requirement to notify me as an interested landowner. The names listed in the application for this project is in no way a complete list of adjacent or potentially affected landowners. A project of this magnitude will have permanent negative effects on not only the immediate surrounding properties but to those for miles around. The annual tonnage of "trash" anticipated to be handled by this facility dwarfs the Laredo landfill and will ultimately handle over 5 times the tonnage generated today by that landfill. This project is not only immense and overwhelming in it size, but potentially in duration as well and it will certainly change the character of this area through the next 100 plus years of its anticipated operation. Has there been any requirement to conduct any significant environmental review other than a woefully inadequate traffic study and investigation of the impact on aviation in the area. While the highways may have the capacity to handle the additional truck trips, the surrounding land does not. Between truck trips from Laredo and railcars from Mexico, this area will never be the same and does not have the capacity to deal with the impact from this type or size of facility. If there ever was a project that rose to the level of requiring a full Environmental Impact Statement, then this is it! How in the world can a 1100 acre landfill be the "next stage of land use for" any site and be "fully compatible ...with cattle ranching" as is claimed in the application by Applicant. If he feels that it is fully compatible then he maybe should consider moving the landfill to a more central location on his ranch so that the cattle don't have to travel all the way to the east side of his 12, 194 acre ranch to find their "compatible" food. This application paints a picture of Jordan Road "dead ending " into the Yugo Ranch, as if there is no one else out there, and this is simply not accurate. And if Jordan Road is paved, will that increase our taxes , again? Since as is stated in the application, "the site is situated in an upland area near the top of the watershed", it sounds to me that the runoff from this site could go in almost any direction, unobstructed. If this is the case then why is there no proposal for a system of dikes and retaining/detention ponds and related storm water management facilities around the site to be constructed so as to restrain any runoff. Even though it is obvious that there is relatively low annual rainfall in this area, if anyone has witnessed this area during a significant rainstorm, as can be generated by an occasional hurricane or tropical storm, then you know that the entire area becomes flooded without restraint of water flow. The application indicates that there will be a buffer from adjacent landowners of at least ¼ of a mile and, yes the plans indicate a buffer of 1350', which is 30' greater than ¼ mile. This proposed buffer is a joke, if this project has so little impact on surrounding properties and land use then we would propose that the buffers be extended to 1 mile minimum and any response or argument by Applicant, that the facility does not own that land makes a mockery of us all. Applicant knows this project will affect the balance of his Yugo Ranch and that is why he has pushed this location to the extreme eastern side of his property. Another reason is because of the predominate wind directions depicted on the "Wind Rose Map", he does not want the smell over his property either. For all of the reasons discussed thus far and for those following, for this application to make statements as it does in Section 8, that this facility "will not have an inverse impact on human health or the

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environment in the area surrounding the facility" is absolutely ludicrous! Are you kidding me! Another paragraph in Section 8 states that "no adverse impacts on the environment of the area are anticipated from the proposed landfill operations", come on get real, the facility contemplated by this application will likely be one of, if not the largest of its kind in the US and it will have negative impacts upon people and diminish the local land values forever! For there to be a statement in this application in the Section dealing with human health, that flies, rats and mice "are not being considered any further in this analysis because the waste storage and processing methods being employed at the facility will prevent propagation or reproduction" is laughable, are they kidding? Well on second thought, maybe they are contemplating spreading some of their industrial waste from Mexico or some of the waste from the contemplated underground injection wells over the site to help resolve the potential pest issue. And oh, by the way, why are we importing waste from Mexico to dispose of here in Webb County, don't we have enough environmental challenges here on our own without having to import industrial waste here for disposal? I have never seen a sea gull on this land in my entire life, but if this type of facility is approved here they will be mating with the quail and the roadrunners, there will be so many of them! Allow me if you will another few thoughts on this issue of human health. Anyone who has ever spent time in this part of the country, and this portion of Webb County, is no exception, is familiar with the problems of feral pigs. This proposed landfill would provide a large food source for this already problematic hog population. An increase in the hog population is inevitable with such a large food source readily available to them. Hogs "compete with wildlife and livestock for habitat, harbor endemic and exotic diseases, and transmit parasites to domestic livestock and humans." ("Feral Hogs in Texas", by Texas Cooperative Extension). Section 8 also states that there is or will be, as a result of the wind direction, "negligible chances of adverse health effects" to surrounding properties. What is a "negligible chance", how can you and how would you quantify that potential. Do we want to accept an application that is as vague as this one when dealing with health and welfare issues to the land and its people. And has anyone ever been around a landfill site that did not absolutely stink, nuisance smells are not even discussed in this application. Surface disturbance will also create a huge issue with dust control in this region because of the lack of potable water to control the dust and encourage vegetative growth while the site remains open and exposed. The application, in Section 8 suggests that "ground monitoring wells will be designed and installed to check groundwater quality", however in Section 4 of the application states that "none are proposed at this time". Regardless of the potential for useable/potable water wells to be drilled in the area, continuous groundwater monitoring all around a site of this scope should be continuous throughout and beyond the life of any facility contemplated at this or any location. Because the quality of the existing groundwater is poor is no reason to allow for toxic carcinogens to be allowed to be introduced unchecked into whatever groundwater underlies this area. Section 8 once again, states that "no other residential, recreational, commercial, agricultural or industrial land uses exist for several miles" other than oil and gas operations and cattle ranching. This is nearly accurate, there are very few and we like it like that, what is wrong with having a nice place in the country to sit around and enjoy the peace and quiet of south Texas. What is wrong with spending a quiet afternoon in a deer blind as you watch the sun set or what about spending a Saturday afternoon with family fishing in the local tank for bass, or what about spending a day in the saddle with your favorite horse, these are all land uses that exist on our property as well as that of other neighbors, friends and family in the area. If I seem a little cynical in this letter it is truly because I am. This is a huge project that has enormous potential for negative impact on our property and that of everyone around. There are so many issues, I can only begin to scratch the surface of concerns that are problematic in a project of this magnitude. This project should be pared down in scope, buffers increased and not be allowed to proceed any further without a full environmental impact statement being prepared and without the opportunity for additional public input through the Public Hearing process. Regards, _____ Robert F Wied, Jr.

FAX

To: Office of the Chief Clerk MC-105
TCEQ
PO Box 13087
Austin, TX 78711

*TCEQ
7777
C/SW*

CHIEF CLERK'S OFFICE

2013 MAR -5 AM 11:12

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

ATTENTION Chief Clerk

From: Robert F. Wied, Jr.

Fax: 512/239-3311

Pages: 6 2

Phone:

Date: [Pick the date] 3/28/13

Re: Public Comment in opposition to
Rancho Viejo Waste Management Facility
TCEQ Permit #2374 ("Project")

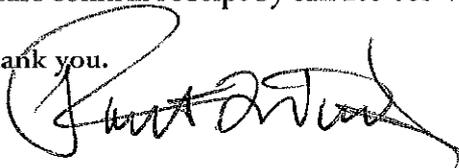
Urgent

Comments:

Attached is a 5 page letter in Opposition to TCEQ Permit #2374, to become part of public record. A hard copy of this letter is being mailed to the address above.

Please confirm receipt by call 203-733-4062 and leaving a message is sufficient.

Thank you.

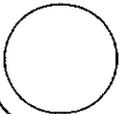


REVIEWED

MAR 05 2013

By bb

[Pick the date.]



FAX confirmation START 16:32 EAST

LEAD Time 2:26

O.K ✓



ROBERT F WIED, Jr.
5147 Overlook Lane, Canandaigua, NY 14424
Tel 203-733-4062 Email bwied@wiedfamily.us

February 28, 2013

Office of the Chief Clerk
Mail Code MC-105
P O Box 13087
Austin, Texas 78711-3087

RE: Public comment in Opposition to
Rancho Viejo Waste Management Facility
Webb County, Texas
TCEQ Permit # 2374("Project")

CHIEF CLERK'S OFFICE

2013 MAR -5 AM 11:12

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

To whom it may concern:

My name is Robert F Wied, Jr. and my family owns property [(Abstract 2625, Survey 260, T C Jordan (254.8 acres), Abstract 1296, Survey 1643 G C and SF (123.47 acres), Abstract 1759, Survey 2258, J M Swisher (7.06 acres), Abstract 2624, Survey 1642, F C Jordan (10.32 acres), Abstract 2625, Survey 260, F C Jordan (115.7 acres)]adjacent to the Yugo Ranch very near the proposed Rancho Viejo Waste Management Facility proposed in Webb County, Texas. This property has been in our family for nearly 7 generations spanning over 130 years. We have for all our lives, grown up enjoying not only the beauty of the land but also the diverse flora and fauna that this portion of the South Texas Plains has to offer. This Project threatens everything we know and love about our ranch, "The Ranch".

With all due respect to the TCEQ, how can the TCEQ have made a "preliminary decision that the location is compatible with surrounding land uses"? How in the world can a 1100 acre landfill be the "next stage of land use for" any site and be "fully compatible ...with cattle ranching", or anything else for that matter, as is claimed in the application for this Project("Application")? Any project of this magnitude will have permanent negative effects on not only the immediate surrounding properties but on those for miles around as well. The annual tonnage of "trash" anticipated to be handled by this facility dwarfs the Laredo landfill and will ultimately handle over 5 times the tonnage generated today by that landfill. This Project is not only immense and overwhelming in its size, but potentially in duration as well and it will certainly change the character of this area through the next **100 plus years** of its anticipated operation. Think about that ...**100 plus years** !

I have reviewed the Application on file and I oppose this Project for the following reasons:

The Application does not adequately and sufficiently address the possible effects of this Project on Human Health. How was the information regarding "individuals" and "potential target receptors" residing about the Project obtained? Our family maintains a "residential structure" that is less than 1.4 miles SE of the Project (approximately lat 27.53324, long-99.14748), and we are "not accounted" for in the Application **AT ALL** and neither is our water well, how many others that will be significantly

negatively impacted have been similarly unaccounted for? And how does the Application deal with the issue of disease vectors such as flies, rats and mice? In fact it does not other than to totally dismiss them because as is stated in the Application the “waste storage and processing methods” will deny them access to the waste generated by this facility...come on are you kidding me, let’s be realistic about this as it is of very serious concern. This Application states that there is or will be, as a result of the wind direction, “negligible chances of adverse health effects” to surrounding properties. What is a “negligible chance”, how can you and how would you quantify that potential and what’s more, does living in constant and continuous stench constitute an adverse health affect? Do we want to accept an application that is as vague as this one when dealing with health and welfare issues to the land and its people? And has anyone ever been around a landfill site that did not absolutely REEK, nuisance smells are not even discussed in this application. Surface disturbance will also create a huge and ongoing issue with dust control in this region because of the lack of potable water to control the dust and encourage vegetative growth while the site remains open and exposed. While some of those close residences identified by the Application may not have to deal with the prevailing wind direction, we certainly do. While the “Wind Rose” figure is a bit confusing and I am not sure how it is to be interpreted or what data it purports to disseminate, our home appears to be directly within line of the most intense area identified by the “Wind Rose”, so not only will the flies and other windborne pests be blown to our home, but we will suffer the onslaught of continuous unrelenting and putrid smells and 24/7 noise emanating from this Project for the next 100 years. This Application totally dismisses any potential degradation of the upper aquifer and any potential for “current”, and for that matter “future”, use of groundwater from the upper aquifer because it “is too poor to be used for human consumption”. In this specific case the TECQ is acting as the “ward” or our groundwater and left to the Applicant with this type of cavalier attitude toward the local aquifers, we may never have an opportunity to utilize updated technology in an attempt to use water from either the upper or deeper aquifers.

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on the Environment.** Our family and those of others adjacent to and near this Project will **see** and **hear** and **smell** and this Project everyday and forever. We will never be able to utilize water from any of the underlying aquifers. We will face the dangers of truck traffic going to and from our home EVERY day. How in the world can the TECQ undertake a thorough, complete and comprehensive review this Project Application with any sense of integrity, when the applicant implies that the only impacts on and to the environment are those of debris and noise generation? This Project demands a complete and comprehensive Environmental Impact Study be undertaken to understand the TOTAL and COMPLETE impact of this Project on every aspect of the environment.

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on the Compatibility with the Surrounding Area.** The Application states that “no adverse impacts on the environment of the area are anticipated from the proposed landfill

operations”, come on get real, the facility contemplated by this application will likely be one of, if not the largest of its kind in the US and it **will** have negative impacts upon people and diminish the local land values **forever!** This Project is NOT compatible with the surrounding area, **at the very least** the scope of this Project is too massive to be compatible with **ANY** area and the buffers along each property lines are severely inadequate. Additional study should be undertaken by computer modeling to access whether or not **ANY** setback distances are sufficient so as to **guarantee** that no smell or noise or dust can escape the boundary of this property. NO one around or adjacent to this proposed facility should be forced to endure and thus subsidize for the economic benefit of Mr. Benavides, these types of negative impacts forever. Why do you think this facility was sited along the east side of Mr. Benavides multi-thousand acre ranch?...it’s because of the wind, he does not want this Project upwind from HIS ranch. We will hear and smell and receive the dust from everything that occurs at the Project 24/7 as we are downwind and extremely close in proximity....for the next 100 plus years. Anyone who has or will ever step foot on this property knows that noise here travels forever across the plain and that even 1 mile offers little to no relief from noise or smell or dust, much less the quarter mile buffer being proposed in this Application. We have a home here, we raise cattle on our property, and we use our property for recreation. How can the Application simply dismiss the use and occupancy of our property and that of others which is adjacent to or near this Project with total disregard for such? And think about this, a 90 foot increase in the base elevation (aka Trash Mountain) resulting from the deposit of compacted trash over the site will cause the sun to set on our property 10 to 15 minutes earlier each day....for eternity....think about that impact to any property.

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on Transportation in the area.** The Application speaks of an additional 260 trips per day on Jordan road, given the numbers for daily tonnage anticipated in the Application this number of trips at best, according to the most basic calculations undertaken by the writer, **ONLY** accounts for truck trips actually bringing trash into the facility and it does not take into account **ANY** other trips into the facility either by employees, contractors, invitees, guests or otherwise. These trucks are big and noisy and dangerous and there will be too many of them going to and from this Project. A project of this magnitude should require a full and comprehensive traffic study to be done in conjunction with a full Environmental Impact Study.

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on Geology and Soils.** Anticipating major excavation of up to 90 feet over some or portions of the project site, there will be a huge disruption of local soils within that area, more information is needed to understand that impact of this huge volume of soil removal and how it may impact the integrity of the clay base.

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on Groundwater and Subsurface Water in the area.** The Application suggests that “ground monitoring wells will be designed and installed to check groundwater quality”, however in contradictory language the Application states that “none are proposed at this time”. Regardless of the potential for useable/potable water wells to be drilled in the area, continuous groundwater monitoring all around a site of this scope should be continuous throughout and beyond the life of any facility contemplated at this or any location. Because the quality of the existing groundwater may be poor is no reason to allow for toxic carcinogens to be allowed to be introduced unchecked into whatever groundwater underlies this area. The Applicant does not mention any ongoing intent to monitor surface and subsurface water sources **off site**, nor is there mention of any “bonding” requirement in the event that there is harm to these waters from the anticipated operation of this Project and these types of omissions in the Application are consistent with someone who is apathetic and indifferent to such impacts off site.

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on Floodplains and Wetlands in the area.** The Applicant has stated essentially in its Application that it is electing NOT to obtain any required COE wetland permits at this time but rather to address this issue when “development of these areas of the site are closer to reality” when in reality, the Applicant knows that such permits are very time consuming and may be difficult to obtain. This Project should be viewed as a comprehensive development and all environmental issues should be addressed and resolved prior to any permitting and NOT after any operations has begun. In this manner the Applicant will be estopped from arguing potential hardship variances for such issues in the future. TECQ should not allow any segmentation of this Project whatsoever because if it does the Applicant will simply agree for the sake of being permitted and then apply for modifications to that permit at a later date. For miles around this facility there is very little variance in the topography, a storm water control plan for at least a five hundred (500) year flood should be a minimal requirement for this application because even a 100 year storm, in this area, will cause extreme flooding and along with that, the potential for significant surface and subsurface exposure to hazardous and toxic pollutants emanating from the Project.

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on Threatened or Endangered Species in the area.** Anyone who has ever spent time in this part of the country, and this portion of Webb County, is no exception, is familiar with the

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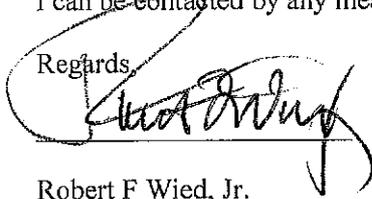
For these and other reasons this portion of the Application is inadequate and the Application should be denied

This is a huge project that has enormous potential for negative impact on all property within miles of this proposed facility. There are so many issues here one can only begin to scratch the surface of concerns that are problematic in a project of this magnitude.

This letter is intended to serve as my formal written Public Comment opposing the Application and should it be deficient in any way then please advise, so that it can be revised and/or supplemented as may be necessary for acceptance as a part of the record for this Application.

I can be contacted by any means as set forth herein above.

Regards,

A handwritten signature in black ink, appearing to read "Robert F. Wied, Jr.", is written over a horizontal line. The signature is stylized and cursive.

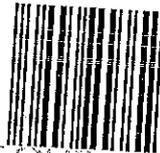
Robert F Wied, Jr.

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COMMISSION
ON ENVIRONMENTAL
QUALITY

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CANANDAIGUA NY 14424-9112

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MAR 05 2013

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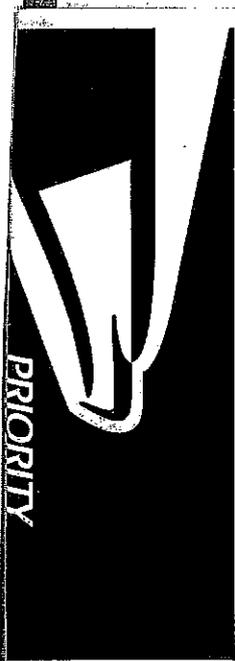
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PRIORITY

ROBERT F WIED, Jr.
5147 Overlook Lane, Canandaigua, NY 14424
Tel 203-733-4062 Email bwied@wiedfamily.us ✓

February 28, 2013

Office of the Chief Clerk
Mail Code MC-105
P O Box 13087
Austin, Texas 78711-3087

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FEB 28 2013

AT PUBLIC MEETING

RE: Public comment in Opposition to
Rancho Viejo Waste Management Facility
Webb County, Texas
TCEQ Permit # 2374("Project")

To whom it may concern:

My name is Robert F Wied, Jr. and my family owns property [(Abstract 2625, Survey 260, T C Jordan (254.8 acres), Abstract 1296, Survey 1643 G C and SF (123.47 acres), Abstract 1759, Survey 2258, J M Swisher (7.06 acres), Abstract 2624, Survey 1642, F C Jordan (10.32 acres), Abstract 2625, Survey 260, F C Jordan (115.7 acres)]adjacent to the Yugo Ranch very near the proposed Rancho Viejo Waste Management Facility proposed in Webb County, Texas. This property has been in our family for nearly 7 generations spanning over 130 years. We have for all our lives, grown up enjoying not only the beauty of the land but also the diverse flora and fauna that this portion of the South Texas Plains has to offer. This Project threatens everything we know and love about our ranch, "The Ranch".

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I have reviewed the Application on file and I oppose this Project for the following reasons:

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Anna

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Rosemary

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FEB 28 2013

AT PUBLIC MEETING

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FEB 28 2013

AT PUBLIC MEETING

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FEB 28 2013

AT PUBLIC MEETING

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I can be contacted by any means as set forth herein above.

Regards,

Robert F Wied, Jr.

RECEIVED

FEB 28 2013

AT PUBLIC MEETING

ROBERT F WIED, Jr.
5147 Overlook Lane, Canandaigua, NY 14424
Tel 203-733-4062 Email bwied@wiedfamily.us

msw
RFW

February 28, 2013

Office of the Chief Clerk
Mail Code MC-105
P O Box 13087
Austin, Texas 78711-3087

REVIEWED

MAR 01 2013

By *[Signature]*

2013 FEB 28 PM 4: 59
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RE: Public comment in Opposition to
Rancho Viejo Waste Management Facility
Webb County, Texas
TCEQ Permit # 2374("Project")

To whom it may concern:

My name is Robert F Wied, Jr. and my family owns property [(Abstract 2625, Survey 260, T C Jordan (254.8 acres), Abstract 1296, Survey 1643 G C and SF (123.47 acres), Abstract 1759, Survey 2258, J M Swisher (7.06 acres), Abstract 2624, Survey 1642, F C Jordan (10.32 acres), Abstract 2625, Survey 260, F C Jordan (115.7 acres)]adjacent to the Yugo Ranch very near the proposed Rancho Viejo Waste Management Facility proposed in Webb County, Texas. This property has been in our family for nearly 7 generations spanning over 130 years. We have for all our lives, grown up enjoying not only the beauty of the land but also the diverse flora and fauna that this portion of the South Texas Plains has to offer. This Project threatens everything we know and love about our ranch, "The Ranch".

With all due respect to the TCEQ, how can the TCEQ have made a "preliminary decision that the location is compatible with surrounding land uses"? How in the world can a 1100 acre landfill be the "next stage of land use for" any site and be "fully compatible ...with cattle ranching", or anything else for that matter, as is claimed in the application for this Project("Application")? Any project of this magnitude will have permanent negative effects on not only the immediate surrounding properties but on those for miles around as well. The annual tonnage of "trash" anticipated to be handled by this facility dwarfs the Laredo landfill and will ultimately handle over 5 times the tonnage generated today by that landfill. This Project is not only immense and overwhelming in its size, but potentially in duration as well and it will certainly change the character of this area through the next 100 plus years of its anticipated operation. Think about that ...100 plus years !

I have reviewed the Application on file and I oppose this Project for the following reasons:

The Application does not adequately and sufficiently address the possible effects of this Project on Human Health. How was the information regarding "individuals" and "potential target receptors" residing about the Project obtained? Our family maintains a "residential structure" that is less than 1.4 miles SE of the Project (approximately lat 27.53324, long-99.14748), and we are "not accounted" for in the Application **AT ALL** and neither is our water well, how many others that will be significantly

[Handwritten initials]

negatively impacted have been similarly unaccounted for? And how does the Application deal with the issue of disease vectors such as flies, rats and mice? In fact it does not other than to totally dismiss them because as is stated in the Application the "waste storage and processing methods" will deny them access to the waste generated by this facility....come on are you kidding me, let's be realistic about this as it is of very serious concern. This Application states that there is or will be, as a result of the wind direction, "negligible chances of adverse health effects" to surrounding properties. What is a "negligible chance", how can you and how would you quantify that potential and what's more, does living in constant and continuous stench constitute an adverse health affect? Do we want to accept an application that is as vague as this one when dealing with health and welfare issues to the land and its people? And has anyone ever been around a landfill site that did not absolutely REEK, nuisance smells are not even discussed in this application. Surface disturbance will also create a huge and ongoing issue with dust control in this region because of the lack of potable water to control the dust and encourage vegetative growth while the site remains open and exposed. While some of those close residences identified by the Application may not have to deal with the prevailing wind direction, we certainly do. While the "Wind Rose" figure is a bit confusing and I am not sure how it is to be interpreted or what data it purports to disseminate, our home appears to be directly within line of the most intense area identified by the "Wind Rose", so not only will the flies and other windborne pests be blown to our home, but we will suffer the onslaught of continuous unrelenting and putrid smells and 24/7 noise emanating from this Project for the next 100 years. This Application totally dismisses any potential degradation of the upper aquifer and any potential for "current", and for that matter "future", use of groundwater from the upper aquifer because it "is too poor to be used for human consumption". In this specific case the TECQ is acting as the "ward" or our groundwater and left to the Applicant with this type of cavalier attitude toward the local aquifers, we may never have an opportunity to utilize updated technology in an attempt to use water from either the upper or deeper aquifers.

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on the Environment.** Our family and those of others adjacent to and near this Project will see and hear and smell and this Project everyday and forever. We will never be able to utilize water from any of the underlying aquifers. We will face the dangers of truck traffic going to and from our home EVERY day, How in the world can the TECQ undertake a thorough, complete and comprehensive review this Project Application with any sense of integrity, when the applicant implies that the only impacts on and to the environment are those of debris and noise generation? This Project demands a complete and comprehensive Environmental Impact Study be undertaken to understand the TOTAL and COMPLETE impact of this Project on every aspect of the environment.

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on the Compatibility with the Surrounding Area.** The Application states that "no adverse impacts on the environment of the area are anticipated from the proposed landfill

operations", come on get real, the facility contemplated by this application will likely be one of, if not the largest of its kind in the US and it will have negative impacts upon people and diminish the local land values forever! This Project is NOT compatible with the surrounding area, at the very least the scope of this Project is too massive to be compatible with ANY area and the buffers along each property lines are severely inadequate. Additional study should be undertaken by computer modeling to access whether or not ANY setback distances are sufficient so as to guarantee that no smell or noise or dust can escape the boundary of this property. NO one around or adjacent to this proposed facility should be forced to endure and thus subsidize for the economic benefit of Mr. Benavides, these types of negative impacts forever. Why do you think this facility was sited along the east side of Mr. Benavides multi-thousand acre ranch?...it's because of the wind, he does not want this Project upwind from HIS ranch. We will hear and smell and receive the dust from everything that occurs at the Project 24/7 as we are downwind and extremely close in proximity....for the next 100 plus years. Anyone who has or will ever step foot on this property knows that noise here travels forever across the plain and that even 1 mile offers little to no relief from noise or smell or dust, much less the quarter mile buffer being proposed in this Application. We have a home here, we raise cattle on our property, and we use our property for recreation. How can the Application simply dismiss the use and occupancy of our property and that of others which is adjacent to or near this Project with total disregard for such? And think about this, a 90 foot increase in the base elevation (aka Trash Mountain) resulting from the deposit of compacted trash over the site will cause the sun to set on our property 10 to 15 minutes earlier each day....for eternity....think about that impact to any property.

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on Transportation in the area.** The Application speaks of an additional 260 trips per day on Jordan road, given the numbers for daily tonnage anticipated in the Application this number of trips at best, according to the most basic calculations undertaken by the writer, **ONLY** accounts for truck trips actually bringing trash into the facility and it does not take into account **ANY** other trips into the facility either by employees, contractors, invitees, guests or otherwise. These trucks are big and noisy and dangerous and there will be too many of them going to and from this Project. A project of this magnitude should require a full and comprehensive traffic study to be done in conjunction with a full Environmental Impact Study.

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on Geology and Soils.** Anticipating major excavation of up to 90 feet over some or portions of the project site, there will be a huge disruption of local soils within that area, more information is needed to understand that impact of this huge volume of soil removal and how it may impact the integrity of the clay base.

For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on Groundwater and Subsurface Water in the area.** The Application suggests that "ground monitoring wells will be designed and installed to check groundwater quality", however in contradictory language the Application states that "none are proposed at this time". Regardless of the potential for useable/potable water wells to be drilled in the area, continuous groundwater monitoring all around a site of this scope should be continuous throughout and beyond the life of any facility contemplated at this or any location. Because the quality of the existing groundwater may be poor is no reason to allow for toxic carcinogens to be allowed to be introduced unchecked into whatever groundwater underlies this area. The Applicant does not mention any ongoing intent to monitor surface and subsurface water sources off site, nor is there mention of any "bonding" requirement in the event that there is harm to these waters from the anticipated operation of this Project and these types of omissions in the Application are consistent with someone who is apathetic and indifferent to such impacts off site.
For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on Floodplains and Wetlands in the area.** The Applicant has stated essentially in its Application that it is electing NOT to obtain any required COE wetland permits at this time but rather to address this issue when "development of these areas of the site are closer to reality" when in reality, the Applicant knows that such permits are very time consuming and may be difficult to obtain. This Project should be viewed as a comprehensive development and all environmental issues should be addressed and resolved prior to any permitting and NOT after any operations has begun. In this manner the Applicant will be estopped from arguing potential hardship variances for such issues in the future. TECQ should not allow any segmentation of this Project whatsoever because if it does the Applicant will simply agree for the sake of being permitted and then apply for modifications to that permit at a later date. For miles around this facility there is very little variance in the topography, a storm water control plan for at least a five hundred (500) year flood should be a minimal requirement for this application because even a 100 year storm, in this area, will cause extreme flooding and along with that, the potential for significant surface and subsurface exposure to hazardous and toxic pollutants emanating from the Project.
For these and other reasons this portion of the Application is inadequate and the Application should be denied

- **The Application does not adequately and sufficiently address the possible effects of this Project on Threatened or Endangered Species in the area.** Anyone who has ever spent time in this part of the country, and this portion of Webb County, is no exception, is familiar with the

problems of feral pigs. This proposed landfill would provide a large food source for this already problematic hog population. An increase in the hog population is inevitable with such a large food source readily available to them. Hogs "compete with wildlife and livestock for habitat, harbor endemic and exotic diseases, and transmit parasites to domestic livestock and humans." ("Feral Hogs in Texas", by Texas Cooperative Extension).

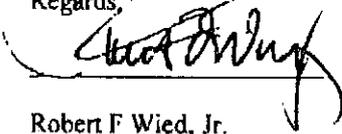
For these and other reasons this portion of the Application is inadequate and the Application should be denied

This is a huge project that has enormous potential for negative impact on all property within miles of this proposed facility. There are so many issues here one can only begin to scratch the surface of concerns that are problematic in a project of this magnitude.

This letter is intended to serve as my formal written Public Comment opposing the Application and should it be deficient in any way then please advise, so that it can be revised and/or supplemented as may be necessary for acceptance as a part of the record for this Application.

I can be contacted by any means as set forth herein above.

Regards,



Robert F Wied, Jr.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

CHIEF CLERK'S OFFICE

2013 FEB 28 PM 4: 59

FAX

To: Office of the Chief Clerk MC-105
TCEQ
PO Box 13087
Austin, TX 78711

ATTENTION Chief Clerk

From: Robert F. Wied, Jr.

Fax: 512/239-3311

Pages: 6

Phone:

Date: [Pick the date]

Re: Public Comment in opposition to
Rancho Viejo Waste Management Facility
TCEQ Permit #2374 ("Project")

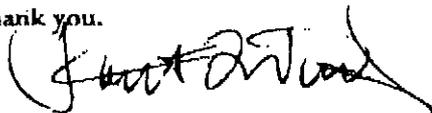
Urgent

Comments:

Attached is a 5 page letter in Opposition to TCEQ Permit #2374, to become part of public record. A hard copy of this letter is being mailed to the address above.

Please confirm receipt by call 203-733-4062 and leaving a message is sufficient.

Thank you.



[Pick the date]

