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Martin A. Hubert, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 25, 2006

Ms. LaDonna Castañuela
Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711

Re: Executive Director's Second Response to Public Comment
Williamson County; Proposed MSW Permit No. 1405-B

Dear Ms. Castañuela:

Please find enclosed for filing the original Executive Director's Second Response to Public Comment for Williamson County, Proposed MSW Permit No. 1405-B.

If you have any questions or comments, please contact me at (512) 239.5778. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Tatu".

Anthony Tatu, Staff Attorney
Environmental Law Division, MC 173

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2006 OCT 25 PM 4: 23
CHIEF CLERK'S OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PROPOSED TCEQ PERMIT NO. 1405B

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APPLICATION BY WILLIAMSON COUNTY FOR PROPOSED TCEQ MUNICIPAL SOLID WASTE PERMIT NO. 1405B § **BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

EXECUTIVE DIRECTOR'S SECOND RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response or RTC) on the permit application by Williamson County for proposed MSW Permit No. 1405B.

As required by Title 30 Texas Administrative Code TAC Section § 55.156, before an application is approved, the ED prepares a response to all timely, relevant and material, or significant comments. This Response addresses all timely public comments received, whether or not withdrawn. If you need more information about this permit application or the permitting process please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.tx.us.

BACKGROUND

Description of Facility

Williamson County (County or Applicant) is the permit holder of MSW Permit 1405, which authorizes the operation of a Type I municipal solid waste landfill facility. The County has applied for Proposed Permit No. MSW-1405B, which would amend existing Permit No. MSW-1405A. Under the requested amendment, the maximum permitted elevation of the landfill would increase by 74 feet from 766 feet above mean sea level (msl) to 840 feet above msl. The lateral expansion of the landfill would increase by 373 acres under the proposed amendment from 202 acres to 575 acres. The application does not request a change in the type of wastes to be disposed of at the landfill. The facility disposes of municipal solid waste, Class 1 industrial non-hazardous solid waste (only because of asbestos content); Class 2 and 3 nonhazardous industrial waste; and certain special waste. The initial waste acceptance rate is anticipated to be approximately 1,000 tons per day. The acceptance rate is estimated to eventually increase to 4,100 tons per day. The estimated operating life of the facility is approximately 46 years if the permit amendment is approved. The landfill is located on the west side of Farm to Market (FM) 1660 approximately 1-mile north of the FM 1660 and County Road (CR) 133 interSection in Williamson County, Texas.

Procedural Background

Williamson County initially submitted Parts I and II of the application and requested that TCEQ make a Land Use Compatibility determination on its proposed permit amendment pursuant to 30 TAC 330.61. Parts I and II of the permit amendment application (PAA) were received on October 10, 2003, and declared administratively complete on November 21, 2003. Notice of Receipt of Application and Intent to Obtain a Permit (NORI) was published on December 16, 2003 in the Austin American Statesman. The TCEQ Executive Director completed the technical review of the application on April 19, 2004, and prepared a draft order. The Notice of Application and Preliminary Decision (NAPD) was published June 30, 2004 in the Austin American Statesman. A public meeting was held in Hutto, Texas on October 11, 2004. The Executive Director filed a response to the public comments received on Parts I and II of the application on January 6, 2005.

Williamson County elected to forego the separate land use compatibility determination and filed Parts III and IV of the application on December 27, 2004. The NORI for the combined application was published on June 28, 29, and 30, 2005. A second public meeting was held on August 25, 2005 in Hutto. The Executive Director declared the application technically complete on March 14, 2006. The NAPD was published April 12, 13, and 16, 2006. A third public meeting was held in Hutto on July 26, 2006. House Bill 801 (76th Legislature, 1999) applies to this application. Public Comments were received from: Bonnie Arce, Gabrielle Arce, Salvador Arce, Sharon Arce, Silvio Jose Arce, Silvio Jose II Arce, Sherry Arieman, Bert Arnett, Kim Arnett, Mahlon Arnett, R.H. Arnett, Robbie Arnett, Candice Blackwell, Ben Billing, Bonnie Billing, Amanda Brandt, B. Brandt, Marcia Brandt, S. Brandt, Marianne Brock, Melissa Coronado, Lance Crawford, Lis Darley, Davis Denby, Delores Doherty, Evelyn Evans, Orlynn Evans, Vennie Evans, Christal Fredrickson, Dawn & David Gallaway, Dwayne & Sarah Halbardier, Angela Hampton, Beth Hicks, Jasca Hillyer, Catherine Leggett, Sherry L. Lindley, R.A. & Alan Matthews, Susan McAtee, Vicki & Glen Melton, Anthony Moore, Alton Milton Odom, Rosa Perez, Paul Phillips, Randy Pullin, David Reeves, Mike & Jaci Samuelson, Michael & Victoria Scarpitti, Dawn Schirmer, Robin Schneider, Linda Shotwell, Rhonda Stanton, Sandra Stein, Cassie Stronkey, Donald & Tammy Strop, Fernando Suarez, Caylee Terry, Codee Terry, Regi Terry, Shawn Terry, Adolfo German Tilitzky, Carmen Arce Tilitzky, Zack Trahan, Sharon Wahlstrom, Shawntell Watson, Gerald & Edna White and Mary Williamson, TJFA, LP, and Mary Carter.

COMMENTS AND RESPONSES

Similar comments/portions of comments and concerns that can be addressed by one explanatory response are grouped to minimize redundancy.

All references to Chapter 330 rules in responses to comments below pertain to the Rules as they existed prior to revisions adopted in March 2006.

Comment 1: Growth Rate

Dr. Evans comments that the expansion is in excess of that required by growth in Williamson County. Dr. Orlynn Evans comments that the Permit Amendment Application (PAA) used an inappropriate population and growth rate of 3.4 percent. He states that the growth from 2002 to 2005 has been between 20 and 30 percent, and that schools in the area are growing at 25 percent a year. Dr. Evans also comments that the PAA fails to take any notice of the significant development in the area. Dr. Evans states that the Hutto Community Development office “growth guidance” map shows that growth north of the city is expected to extend beyond the Landfill. Dr. Evans comments there is no land use report; specifically, growth trends of the nearest communities and directions of major development are not provided as required by 30 TAC §330.53(b)(8)(C), a critical omission considering the rapid growth that is occurring in Williamson County and the potential impact of the construction of Texas 130 within a few miles of the landfill. Mahlon Arnett comments that the facility is growing faster than the population that it serves. Mr. Arnett also comments that the county grew at a rate of 17 percent last year, instead of the 3 percent stated in the PAA. He states that many of the figures on county growth are out of date.

Response 1:

The Commission’s MSW regulations at Section 330.53(b)(8) require that the Commission consider the impact of a site upon a city, community, group of property owners, or individuals in terms of compatibility of land use, zoning, community growth patterns, and other factors associated with the public interest. To assist the Commission’s consideration of these issues, the Applicant is required to include a description of the land use within one mile of the proposed facility and the growth trend and direction of major development for the nearest community.

The TCEQ reviews applications using information regarding growth rates/trends that is available at the time the application is submitted. In Section 3.1.4 of Part I/II of the (PAA), it is indicated that population projections for the Capital Area Planning Council (CAPCO) region shows continued growth, although not at the same pace as the previous decade (1990 – 2000) and these projections estimate an annual growth of approximately 3.4 percent for the next 20 years in Williamson County.

The Executive Director has determined that the Applicant has provided adequate information regarding growth rate and landfill capacity as required by the MSW rules, as demonstrated in Part I/II of the PAA.

Comment 2: Poor Land-Use Planning

Dr. Evans states that the population projections needs to take into account when the landfill was built. Dr. Evans continues to say that it is unfortunate that the planners did not realize that the same reasons that made the location for the landfill ideal, the

easily accessible roads, were the same reasons that the community would grow in the same area.

Response 2:

TCEQ's authority over the placement of a landfill or land-use planning for areas within the state is limited to items within the bounds of the land-use compatibility determination, primarily set forth in 30 TAC Section 330.53(b)(8). TCEQ does not have authority to deny a permit based generally on planning, location, or whether there is an alternative use for a proposed landfill location. To the extent that such authority exists, it is reserved to county governments and regional planning authorities. The TCEQ reviews applications using information regarding growth rates/trends that is available at the time the application is submitted. The Executive Director has determined that the required information concerning surrounding land uses is submitted in the application.

Comment 3: Contaminated Water Runoff

Dr. Orlynn Evans comments that the runoff from the present mound flows uncontrolled into nearby creeks. Dr. Evans states that the Applicant has not controlled erosion, and that the sedimentation will eventually flow into the San Gabriel and the Little River which is the source of drinking water for Cameron, Texas. Robin Schneider comments that surface water run-on and runoff is not addressed in a manner to evaluate the potential for storm water contamination. Ms. Schneider also comments that the PAA fails to address storm water runoff issues, such as storm water runoff control calculations, design drawings for perimeter control channels, sedimentation control ponds, and detention ponds. Rhonda Stanton comments that she is concerned about excessive rainwater runoff at the proposed height.

Response 3:

The Commission's MSW regulations at Sections 330.56(f) and 330.56(o) require the Applicant to implement the requirements contained in Attachments 6 and 15 to collect, store, and dispose of the landfill leachate and contaminated water. Contaminated water as defined in the TCEQ Municipal Solid Waste Rules is water which has come into contact with waste, leachate, or gas condensate. Contaminated water generated onsite will be transported via tanker trucks to properly permitted offsite facility for treatment. Discharge of leachate, gas condensate, and contaminated water through surface drainage systems is prohibited.

The PAA contains adequate designs in Attachment 6 and Attachment 15 of Part III and in various Sections in Part IV of the PAA, addressing control measures to prevent contaminated water discharge from the site. In addition, stormwater will be conveyed through perimeter ditches into detention ponds. All debris from the landfill will be detained in the ponds.

Comment 4: Flood and Contaminated Water Runoff

Dr. Orlynn Evans comments that Mustang Creek runs through the southwest corner of the landfill and that anything in [the landfill] will be flushed into the drinking water when the creek floods. Dr. Evans comments that vertical expansion, lateral expansion and emptying retention ponds will increase the flow into Mustang Creek. Dr. Evans also comments that there is no containment pond to catch runoff or contaminated water to keep it from running into Mustang Creek. Rhonda Stanton comments that she is concerned about what effect the proposed expansion will have on water sources such as Mustang Creek, which flows into sources of drinking water for neighboring communities. Sandra Stein and Susan McAtee comment that a heavy rain will cause a leaching of contaminants that they fear will affect Mustang Creek, the ground water and any surrounding private wells. Mahlon Arnett comments that there have been ongoing problems with runoff and erosion into Mustang Creek.

Response 4:

The Commission's MSW regulations at Sections 330.56(f) and 330.56(o) require the Applicant to implement the requirements contained in Attachments 6 and 15 to provide a floodplain map to show whether the proposed landfill site is located within the 100-year floodplain and to collect, store, and dispose of the landfill leachate and contaminated water generated onsite. Contaminated water as defined in the TCEQ Municipal Solid Waste Rules is water which has come into contact with waste, leachate, or gas condensate. Contaminated water generated onsite will be transported via tanker trucks to properly permitted offsite facility for treatment. Discharge of leachate, gas condensate, and contaminated water through surface drainage systems is prohibited.

The PAA contains adequate designs in Attachment 6 and Attachment 15 of Part III and in various Sections in Part IV of the PAA, addressing control measures to prevent contaminated water discharge from the site and Attachment 6 of Part III of the PAA contains adequate design to prevent flooding from the required 100-year flood event, including the southwest corner of the landfill area near Mustang Creek. In addition, stormwater in this area will be conveyed through perimeter ditches into detention ponds. All debris from the landfill will be detained in the ponds.

Comment 5: Flooding

Mahlon Arnett comments that the County has had to put barricades on the road at Mustang Creek because of dangerous floodwater on the west side of the facility, and that debris piles up along the guardrail during flooding on the east side. Lance Crawford commented that he is concerned about calculating for flash flooding on all tributaries, not just Mustang Creek.

Response 5:

The Commission's MSW regulations at Section 330.56(f) require that adequate

information for safe passage of any internal or externally adjacent floodwaters be included in the PAA.

The Applicant has provided adequate information to indicate that the waste footprint of the proposed landfill is not located within a 100-year floodplain as depicted in the provided FEMA map, Figure I/II-7 of Part I/II. In addition, Attachment 6 of Part III of the PAA contains adequate design to prevent flooding from the required 100-year flood event, including the southwest corner of the landfill area near Mustang Creek.

Comment 6: Erosion & Sediment Runoff

Dr. Evans comments that much of the expansion is over pre-Subtitle D areas and in an area where run-off goes directly into Mustang Creek. He states that this represents an absence of consideration for the impact on the community and the environment. Additionally, Dr. Evans comments that he is concerned about the run off of sedimentation.

Response 6:

The Commission's MSW regulations at Section 330.56(f) require that adequate information for erosion and sedimentation control plan, including interim controls for phased development, be included in the PAA.

In Attachment 6 of Part III of the PAA, it is indicated that stormwater will be conveyed to downchute channels via add on berms, and energy dissipaters will be installed at the bottom of downchute channels to decelerate the flows. In addition, the proposed landfill revises the landfill slope from 4:1 to 5:1 which would make a gentler slope and most flows will be redirected via perimeter ditches into detention ponds prior to discharge off of the site. All debris from the landfill will be detained in the ponds. Attachment 6 of Part III of the PAA contains adequate design to prevent stormwater runoff and flooding from the required 100-year flood event, including the southwest corner of the landfill area near the Mustang Creek.

Comment 7: Inadequate Existing Sediment Control

Dr. Orlynn Evans comments that Williamson County admitted that erosion of the southern sideslope of the landfill cover resulted in runoff of sediment from the site into Mustang Creek.

Response 7:

The Commission's MSW regulations at Section 330.56(f) require that adequate information for erosion and sedimentation control plan, including interim controls for phased development, be included in the PAA. Also, according to Section 330.55(b)(1) of the TCEQ's rules, MSW facilities are prohibited from discharging untreated contaminated water from the site. Storm water that comes into contact with solid waste

will be considered contaminated water. All discharges of storm water must be in accordance with the U.S. Environmental Protection Agency's NPDES requirements, or the Texas Pollutant Discharge Elimination System, as applicable. The proposed drainage structures are designed to handle runoff from a 24-hour, 25-year storm event as required by the regulations. These structures include drainage terraces, final cover drainage channels, perimeter drainage channels, and detention basins. If the permit is issued and there are unauthorized discharges from the landfill, the permittee will be subject to enforcement. The new design included in Attachment 6 of Part III of the PAA, contains adequate design to prevent stormwater runoff and erosion, including the southwest corner of the landfill area near the Mustang Creek. In addition, stormwater in this area will be conveyed through perimeter ditches into detention ponds. All debris from the landfill will be detained in the ponds.

Comment 8: Contractual Agreement & Regionalization

Dr. Orlynn Evans and Mahlon Arnett comment that the County officials have misstated the contents of the new contract with Waste Management regarding the County's ability to control the regionalization of the landfill. Beth Hicks states that she is concerned about the contents of the contract. Robin Schneider asks why the language was taken out to restrict waste from coming from outside the county if the landfill is being operated in the public interest of Williamson County. Rhonda Stanton comments that she is concerned that language in the previous contract that prevented the landfill from becoming a regional landfill was left out of the current contract. David Denby comments that the importation of waste from other counties does not serve the long term needs of Williamson County residents.

Response 8:

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ is not a party to, and has no jurisdiction over the contract between the Applicant and Waste Management when reviewing the permit application. The Executive Director's review of a permit application considers whether the proposed facility meets the requirements of Chapter 330 of the Commission's rules. TCEQ rules require the Applicant to record the quantity and origin of incoming waste, but landfill permits do not regulate whether a landfill may accept waste based on its origin. TCEQ is not aware of inaccurate reports received from the Applicant. Landfill permit applications request information about the anticipated origin of waste to be deposited at the landfill for informational purposes. TCEQ does not regulate a permitted landfill's service area, nor does TCEQ categorize a landfill as regional or otherwise. Issues related to the contract between Williamson County and Waste Management are outside of the TCEQ's jurisdiction to address during the permit review process.

Comment 9: Regionalization

Mahlon Arnett comments that seven other counties send waste to the Williamson

County landfill and that he is worried about outside companies bringing in waste because it is more economical for them to use Williamson County.

Response 9:

Response to the regionalization comment is addressed in Response 8. There is no restriction to the permit as to waste acceptance areas for authorized wastes identified in the permit.

Comment 10: Conflict Information

Dr. Orlynn Evans comments that the news releases, emails, and PAA give conflicting information on the extent of the expansion.

Response 10:

30 TAC Chapter 281 provides TCEQ with authority to return incomplete applications during administrative review or, in certain circumstances, during technical review. TCEQ may also request additional technical information during technical review. To the extent that any such requests were made, adequate responses were received. TCEQ has reviewed these portions of the application and concluded that the Applicant has provided all required elements in accordance with 30 TAC Chapter 330. The Applicant is required to submit accurate information to TCEQ in its permit application or a permit may be denied. If an applicant becomes aware of additional information, or if information in an application changes, the application must be updated accordingly so that TCEQ may consider and base its permitting decision on correct information.

The technically complete version of the PAA is provided and sealed by Mr. J. Roy Murray, P.E., to ensure that all information is accurate and the PAA meets all of the MSW rule requirements. The Executive Director cannot speak to the accuracy of statements made by other individuals.

Comment 11: Vectors & Scavengers

Randy Pullin, Mahlon Arnett, Bert Arnett, R.H. Arnett, Kim Arnett, and Susan McAtee comment that they are concerned that the landfill will attract disease carrying pests such as flies, rodents, mosquitoes and birds. Mahon Arnett comments that there has been an excess of vultures around the landfill. Ben and Bonnie Billing comment that they have been subjected daily to increased populations of vermin and scavenger birds. Robin Schneider comments that the PAA does not adequately address bird and vector control because it does not limit the population of vectors to any certain size.

Response 11:

According to the TCEQ's MSW rules at Section 330.126, the site operator must take the appropriate steps to prevent and control on-site populations of disease vectors using proper compaction and daily cover procedures, and the use of other approved methods when needed. The Applicant has provided adequate information for the technical review process regarding bird and vector control requirements as presented in Section 4.15 of Part IV (SOP) of the PAA. The Executive Director has determined that the application complies with the requirements of 330.126.

Comment 12: Special Waste

Evelyn Evans comments that in Waste Management's annual report to the TCEQ for the years 1995 to 2003, there are other wastes, including 199 tons of asbestos contaminated materials, 2832 tons of contaminated soil, 3212 tons of sludge, and 96 tons of dead animals that ended up in the landfill.

Response 12:

The Applicant proposes to accept the above-mentioned special wastes at the facility in accordance with the TCEQ's rules for disposing of special waste at Sections 330.136. The handling of incoming special wastes is addressed in the Site Operating Plan, Part IV of the application. If the proposed landfill is constructed and operated as indicated in the application and as required by the regulations, the Executive Director expects human health and the environment to be protected. Authorized special wastes are listed in Part IV (SOP) of the PAA and the previously mentioned wastes are authorized wastes.

Comment 13: Identification of Waste Types

Robin Schneider comments that the PAA fails to identify the types of waste to be accepted (i.e., Class One non hazardous industrial solid waste, liquid wastes, untreated medical wastes, etc.)

Response 13:

The Commission's MSW regulations at Section 330.54(3) require the Applicant to provide solid waste data to include identification of the nature, type, and quality of waste proposed for processing and/or disposal in the site to include a brief description of the general sources and generation areas contributing wastes to the site.

The Applicant has provided adequate information regarding identification of waste to be accepted various locations in Parts I/II, III, and IV of the PAA.

Comment 14: Waste Over Pre-Subtitle D Areas

Robin Schneider comments that under federal law, old landfills of a certain size are not required to dig up the waste and install new technology. Ms. Schneider wants to know if the Applicant is going to follow that practice and simply place waste on top of the older waste, and if so is the Applicant going to place a liner between the old and the new Sections.

Response 14:

The Commission has allowed waste placement over pre-Subtitle D area as authorized by the TCEQ's MSW rules and under federal rules. The rules indicate that if a landfill was never closed, it may continue to place waste over the pre-Subtitle D area; there is no mechanism for TCEQ to force a landfill to close unless it violates the rules. Existing landfills are allowed to keep building up without retrofitting, due to federal laws, on pre-Subtitle D cells. In addition, the new TCEQ's MSW rules are addressing leachate concerns and increasing regulations for vertical expansions on pre-Subtitle D cells by requiring a controlled layer installation in order to route leachate to a sump and manage the leachate.

Approximately 64 acres of pre-Subtitle D area was constructed with either in-situ soils or compacted clay prior to October 1993. Waste placement over the pre-Subtitle D areas is allowed by TCEQ rules and federal rules, provided that certain restrictions are met (i.e. no leachate recirculation over the pre-Subtitle D area). Information provided in the PAA indicated that the landfill design for waste placement over pre-Subtitle D areas is adequate.

Comment 15: Waste In Pre-Subtitle D Areas

Robin Schneider comments that the PAA does not discuss whether old Sections of the landfill will be excavated and relocated, and how odor control will be accomplished in any waste relocation.

Response 15:

According to the TCEQ's rules, no waste relocation is required and the applicant did not propose the waste relocation.

Comment 16: Odor

Dr. Orlynn Evans comments that the acreage available for lateral expansion is sufficient, and that vertical expansion will only increase an already existing odor problem. Dr. Evans also comments that the problem is only temporarily resolved. Robin Schneider comments that the PAA does not adequately address odor control including no description of how daily cover will be applied, how the working face size will be

controlled, no prohibition on odorous wastes, etc. Mahlon Arnett comments that the county has reluctantly done something to improve the odor problem, but that it still has a long way to go. Additionally, Mr. Arnett comments that the trash needs to be covered at night. Susan McAtee comments that she has been disturbed by the odor. Commentor Sherry Arieman states that at times the odor from the landfill is offensive. Ben and Bonnie Billing comment that they are subjected daily to odors from the facility.

Response 16:

The TCEQ's MSW rules at Section 330.5 require that the proposed facility be operated in a way that prevents the occurrence of nuisance odor conditions. Various features of the proposed site operation, including daily covering of waste and prevention of ponded water, should control the development of odor conditions. The application contains sufficient information for the Executive Director to determine that the application meets the TCEQ's regulations. If objectionable odors occur, the owner or operator must initiate appropriate measures to alleviate the condition. Procedures concerning the covering of waste at the facility are addressed in the Site Operating Plan, Part IV of the application. If the owner or operator follows these procedures, odors from the landfill should be reduced. In addition, if the permit is approved, it would not limit the ability of a landowner to use common law remedies for a nuisance in response to activities that interfere with his use and enjoyment of his property. For information on TCEQ's odor complaint investigation procedures, interested persons are encouraged to visit the following webpage:

http://www.tceq.state.tx.us/compliance/complaints/protocols/odor_protodef.html

Adequate information regarding odor prevention has been provided in Section 4.14.1 of Part IV of the PAA, Odor Management Plan. The plan describes odor control measures to identify sources of odor and provide corrective action to minimize odor. Complaints regarding the facility may also be made by contacting the Austin Regional Office, at 512-339-2929, or the toll-free Environmental Violation Hotline at 1-888-777-3186.

Comment 17: Noise

Commentor Sherry Arieman states that at times the noise is offensive. Ben and Bonnie Billing comment that they have been subjected daily to the noise of heavy equipment.

Response 17:

Section 330.125 of the TCEQ's MSW rules prohibit the owner or operator of an MSW facility from operating the facility in such a manner as to cause the creation and maintenance of a nuisance. In addition, if the permit is approved, it would not limit the ability of a landowner to use common law remedies for a nuisance in response to activities that interfere with his use and enjoyment of his property. Complaints regarding the facility may be made by contacting the Austin Regional Office, at 512-339-2929, or

the toll-free Environmental Violation Hotline at 1-888-777-3186. Complaints may also be made through the Commission's Web site by following the menu for "Reporting" and "Reporting Environmental Problems to TCEQ" at <http://www.tceq.state.tx.us>. If the facility violates a term of the permit or the TCEQ's regulations, the permittee will be subject to an enforcement action.

Comment 18: Landfill Standards

Concerned Citizens, Bonnie Arce, Gabrielle Arce, Salvador Arce, Sharon Arce, Silvio Jose Arce, Silvio Jose II Arce, Candice Blackwell, Amanda Brandt, B. Brandt, Marcia Brandt, S. Brandt, Marianne Brock, Melissa Coronado, Lis Darley, Delores Doherty, Vennie Evans, Christal Fredrickson, Dawn & David Gallaway, Dwayne & Sarah Halbardier, Jasca Hillyer, Catherine Leggett, Sherry L. Lindley, R.A. & Alan Matthews, Vicki & Glen Melton, Anthony Moore, Alton Milton Odom, Paul Phillips, Michael & Victoria Scarpitti, Dawn Schirmer, Linda Shotwell, Cassie Stronkey, Donald & Tammy Strop, Caylee Terry, Codee Terry, Regi Terry, Shawn Terry, Adolfo German Tilitzky, Carmen Arce Tilitzky, Sharon Wahlstrom, Shawntell Watson, Gerald & Edna White and Mary Williamson want modern landfill requirements enforced. Fernando Suarez wants TCEQ to ensure that all landfill rules and regulations are enforced. Mike & Jaci Samuelson ask whether the most current landfill standards are being required.

Response 18:

The landfill design criteria standards the Applicant intends to follow have been submitted. The Executive Director has prepared a draft permit with the requirements that the Applicant must meet in order to comply with the TCEQ's municipal solid waste (MSW) rules and the Texas Health and Safety Code (THSC). This draft permit requires the facility to conform to the latest applicable landfill design criteria standards.

Comment 19: Public Meeting Schedule Conflict

David Reeves comments that participation in the [August 25, 2005] public meeting was limited due to other community events occurring that night.

Response 19:

Although the TCEQ attempts to avoid conflicts with local events when scheduling public meetings, the agency did not realize that there was a varsity football game scheduled on a Thursday evening. A third public meeting was held on July 27, 2006.

Comment 20: Closure Cost

David Reeves asks whether the Applicant had offered \$11 million for closure and \$2 million for post closure care at the proposed facility, as he has heard. Mr. Reeves also asks who holds the bonds which cover the closure and post-closure amounts.

Response 20:

According to Section 330.56(h) of the TCEQ's MSW rules, permit applicants must submit a cost estimate for closure and post closure care costs in accordance with Section 330.280 - 330.284 of the MSW rules. Section 330.281(a) requires that owners or operators of MSW facilities provide a detailed written cost estimate, in current dollars, showing the cost of hiring a third party to close the largest area of the landfill ever requiring a final closure anytime during the active life of the unit. TCEQ's Financial Assurance Section holds the bonds. The Total Closure Costs is \$12,264,118 and TCEQ administration of contracts at closure stage (5% of construction cost) is \$613,206. The Total Post Closure Costs is \$1,959,100 and TCEQ administration of contracts at post closure stage (10% of post closure cost) is \$195,910.

Comment 21: Financial Assurance

Robin Schneider comments that the evidence of financial assurance is insufficient because it does not include any detailed cost calculations and the amounts are outdated.

Response 21:

Please see Response 20. The PAA contains adequate information regarding financial assurance as presented in Appendix I/II-A.1 of Part I/II and Attachment 8 of Part III.

Comment 22: Financial Assurance

David Reeves asks who is responsible for closure and post-closure expenses if Waste Management defaults or stops doing business in Texas.

Response 22:

The financial assurance rules in Texas Administrative Code Chapter 37 require that financial assurance be provided by the owner/operator of a facility to cover costs such as closure and post-closure, should the owner/operator cease to operate in the State of Texas.

Comment 23: Inadequate Responses

Dr. Orlynn Evans comments that the Executive Director's initial RTC ignored what the commentors have said. An unidentified commentor states that several questions were only partially answered, or the answers were vague and lacked specificity, or the questions were not answered at all.

Response 23:

Every effort has been made to fully respond to the comments which were submitted. If members of the public need additional information, they are welcome to contact commission staff to ask questions.

Comment 24: Surrounding Areas and Growth Rate

Dr. Orlynn Evans comments that the PAA incorrectly describes the area surrounding the landfill as undeveloped farmland. Dr. Evans also comments that the area is rapidly growing, and that there are plans for development that include the north boundary of the landfill.

Response 24:

The Commission's MSW regulations at Section 330.53(b)(8) require that the Commission consider the impact of a site upon a city, community, group of property owners, or individuals in terms of compatibility of land use, zoning, community growth patterns, and other factors associated with the public interest. To assist the Commission's consideration of these issues, the Applicant is required to include a description of the land use within one mile of the proposed facility and the growth trend and direction of major development for the nearest community. The Executive Director has determined that the required information concerning surrounding land uses was submitted in the application.

Section 3.1.4 of Part I/II of the PAA indicates that within one mile of the site, land use consists primarily of farming and undeveloped range. Additionally, there are approximately 113 residential structures located within one mile of the facility. It is also indicated that the largest concentration of residences occurs in a subdivision approximately 1,700 feet southwest of the site, west of County Road 130.

Comment 25: Existing Erosion

Dr. Orlynn Evans comments that silt fences have been overrun due to erosion. Dr. Evans adds that berms have been installed and ditches dug to deal with the erosion problem.

Response 25:

Please refer to Response 6. Adequate information has been provided to prevent erosion problems. In Section 3.0 of Part III of the PAA, it indicates that the sediment and erosion controls may include, but are not limited to, sedimentation basin, final cover drainage terraces and channels, perimeter channels, vegetated final cover, vegetation or paving of all disturbed & non-landfill areas, grass, permanent turf reinforcement mat, concrete or riprap – lined drainage swales, and ditches.

Comment 26: Stormwater Velocity & Erosion Control

Dr. Orlynn Evans comments that he is concerned about the vertical elevation of the landfill due to the increased velocity of water down higher hills.

Response 26:

Please refer to Response 7. In Attachment 6 of Part III of the PAA, it indicates that stormwater will be conveyed to downchute channels via add on berms, and energy dissipaters will be installed at the bottom of downchute channels to decelerate the flows. In addition, the proposed landfill revises the landfill slope from 4:1 to 5:1 which would make a gentler slope and most flows will be redirected via perimeter ditches into detention ponds prior to discharge off of the site.

Comment 27: Runoff & Flooding

Robin Schneider comments that the surface water controls are inadequate to protect surrounding land use and flood plains because the PAA does not have:

- 1) adequate controls to prevent contamination of storm waters that will run off the site;
- 2) adequate drainage controls to protect surrounding properties and assure historic levels of runoff; and/or
- 3) adequate design to avoid flooding.
- 4) an adequate site that avoids the real flood plain.

Response 27:

Please refer to Responses 6, 7, and 26. The PAA meets all of requirements in accordance with the MSW rules, regarding the surface water run-on and runoff controls. The applicant provided sufficient information in Attachment 6 of the PAA to demonstrate that the existing drainage patterns will not be significantly altered, as required by TCEQ rules.

Comment 28: Drainage Runnoff

One unidentified commentor states that drainage facilities, including all channels, are said to have been designed for the 25-year/ 24-hour storm event. However, there is no discussion or demonstration that this is the most critical event for determining peak discharge.

Response 28:

Please refer to Responses 4 and 7. The Applicant has provided adequate information regarding stormwater runoff study as presented in Attachment 6 of Part III of the PAA. Section §330.303(a) specifically states, "A facility must be constructed, maintained, and operated to manage run-on and runoff during the peak discharge of a 25-

year/24-hour rainfall event and must prevent the off-site discharge of waste and feedstock material, including, but not limited to, in-process and/or processed materials.”

Comment 29: Waste Over Pre-Subtitle D Areas

Dr. Orlynn Evans comments that many environmentalists think it is in error to continue to place waste over pre-Subtitle D areas.

Response 29:

Please refer to Response 14. Waste placement over pre-Subtitle D areas is allowed by TCEQ rules and federal rules, provided that certain restrictions are met. Information provided in the PAA indicate that the landfill’s design for waste placement over pre-Subtitle D areas is adequate.

Comment 30: Liner Over Pre-Subtitle D Areas

Robin Schneider comments that the PAA does not state whether landfill liners and leachate collection systems will be built over old pre-Subtitle D Sections of the landfill footprint over which additional waste capacity will be added.

Response 30:

Please refer to Response 14. According to the TCEQ’s MSW rules, Liners and leachate collection system over the pre-Subtitle D areas are not required. Waste placement over pre-Subtitle D areas is allowed by the MSW rules. The pre-Subtitle D cell has an in-situ clay and/or compacted clay liner, and the bottom elevation of the pre-Subtitle D cell is higher than the surrounding Subtitle D cells so that leachate from the pre-Subtitle D cell will gravity flow into the leachate collection in the adjacent Subtitle D cells.

Comment 31: Leachate Re-Circulation

Robin Schneider comments that the PAA does not address whether leachate can be re-circulated in the landfill, and if it is, how and where it will be done.

Response 31:

The Applicant will be required to implement at the landfill the requirements contained in the permit and its attached documents, i.e. Attachments 6 and 15 of the PAA to collect, store, and dispose of the leachate, gas condensate, and contaminated water. The leachate and gas condensate generated onsite will be either transported offsite for treatment at properly authorized treatment facilities or re-circulated into the landfill. Contaminated water generated onsite will be transported via tanker trucks to properly permitted offsite facility for treatment. Discharge of leachate, gas condensate, and contaminated water through surface drainage systems is prohibited. Re-circulation of

leachate over pre-Subtitle D areas will not be allowed. The Applicant has provided adequate information regarding leachate management plan in accordance with the rule requirements as presented in Attachment 15 of the PAA. The leachate re-circulation will be allowed only within the Subtitle D areas.

Comment 32: Existing Groundwater Problems

Dr. Orlynn Evans comments that Commissioner Limmer announced that 70 acres the county had obtained for the landfill expansion had to be abandoned because of groundwater problems.

Response 32:

The Executive Director's staff is unaware of Commissioner Limmer's comments regarding this issue. This issue was not considered in the review of the permit application.

Comment 33: Groundwater Elevation

Dr. Orlynn Evans comments the he is concerned about groundwater contamination because the ground water in the area of the Williamson County Landfill is near the surface.

Response 33:

The TCEQ's MSW rules require protective liners and groundwater monitoring systems. Additionally, the Applicant must address any potential liner ballast issues in Attachment 10 of Part III of the PAA, the Soil and Liner Quality Control Plan.

According to information in the Geology Report, Attachment 4 of Part III of the application, which was prepared by Ms. Karen Gallup, P.G., the facility is underlain by the Austin Chalk. Ground water occurs in the secondary porosity features within the Austin Chalk, and can be fresh-quality, supplying water on a limited basis to domestic wells. This ground water can occur in the shallow subsurface. The Applicant has addressed the pertinent issues of liner construction below the water table in the Soil and Liner Quality Control Plan, Attachment 10 of Part III of the PAA.

Comment 34: Groundwater Monitoring System

Robin Schneider comments that the groundwater monitoring is inadequate because:

- 1) the proposed system does not meet the requirements for the proper number and location of wells, depths, and/or the locations of screens to collect water at the top, middle and bottom of the aquifer;
- 2) the system is not designed to detect releases of contaminated water from the landfill;

- 3) the system has not been designed based on adequate site data, including an adequate boring plan;
- 4) the PAA does not properly identify up gradient and down gradient wells or the point of compliance;
- 5) the PAA does not propose an adequate procedure for collecting background data on the groundwater.

Response 34:

The design of the groundwater monitoring has been certified by a qualified groundwater scientist, Ms. Karen Gallup, P.G. Ms. Gallup has represented in both the Geology and Groundwater Characterization Reports in the permit application that the groundwater monitoring system is designed to detect releases of leachate from the facility. Ms. Gallup submitted a Soil Boring Plan to the Executive Director, which obtained the field data on which the groundwater monitoring system was designed. This data also included the measurement of water levels in various piezometers and monitor wells to determine a potentiometric surface for ground water at the site. Additionally, the Applicant has submitted a Groundwater Sampling and Analysis Plan, Attachment 11 of Part III, which addresses the procedures for collecting background water samples.

Comment 35: Contaminated Water

Robin Schneider comments that the PAA does not adequately address the requirements for prohibiting contaminated water discharge because it does not describe how contaminated water will be identified.

Response 35:

The Commission's MSW regulations at Sections 330.56(f), 330.56(o), and 330.139 require the applicant to implement the requirements contained in Attachments 6, Attachment 15, and Part IV (SOP) to identify, collect, store, and dispose of the landfill leachate and contaminated water generated onsite. Contaminated water defined in the TCEQ Municipal Solid Waste Rules is water which has come into contact with waste, leachate, or gas condensate. Contaminated water generated onsite will be transported via tanker trucks to properly permitted offsite facility for treatment. Discharge of leachate, gas condensate, and contaminated water through surface drainage systems is prohibited.

The Applicant has provided adequate information for technical review process regarding identification of contaminated water and its management requirements as presented in the PAA's Attachment 15 of Part III and Section 4.27 of the SOP.

Comment 36: Toxic Runoff

Mahlon Arnett comments that mosquitos won't breed in the water coming off the landfill, which indicates that it must be toxic.

Response 36:

Please refer to Response 35. The Applicant has provided adequate information for the technical review process regarding contaminated water management plan requirements as presented in Attachments 6 and 15 of Part III of the PAA. Inadequate landfill management practices and suspicion of discharge or pollution release from the landfill should be reported to the TCEQ Austin Regional Office, at 512-339-2929, or the toll-free Environmental Violation Hotline at 1-888-777-3186. Complaints may also be made through the Commission's Web site by following the menu for "Reporting" and "Reporting Environmental Problems to TCEQ" at <http://www.tceq.state.tx.us>. If the facility violates a term of the permit or the TCEQ's regulations, the permittee will be subject to an enforcement action.

The Executive Director has received no information that demonstrates that the proposed facility presents a threat to human health or the environment. The Executive Director determined that the proposed landfill was designed in compliance with the Texas Solid Waste Disposal Act (TSWDA), and with the TCEQ's MSW rules and regulations developed to protect human health and the environment. If the proposed landfill is constructed and operated as shown in the application and as required by the regulations, the Executive Director expects human health and the environment to be protected.

Comment 37: Groundwater and Landfill Gas Monitoring System

Robin Schneider comments that there is no documentation to show the location of existing and proposed groundwater contamination and methane gas migration monitor wells, and the proposed location of methane gas flares.

Response 37:

In accordance with the TCEQ regulations, the Applicant has provided adequate information regarding the ground-water monitoring system and the landfill gas system. This information is found in the Geology Report, Attachment 4, and the Ground-Water Characterization Report, Attachment 5 of Part III of the application for the ground-water monitoring system, and the Landfill Gas Management Plan, Attachment 14 of Part III of the application. The existing and proposed ground-water monitoring wells and landfill gas probes are shown on the figures in Attachment 1 of Part III of the application.

The ground-water monitoring system is discussed and shown on figures in both Attachments 4 and 5 of Part III of the application. The groundwater monitoring system, which will provide for early detection of potential releases from the facility, will consist of 35 monitoring wells of which 8 wells presently exist and 30 new wells are proposed and 3 existing wells are proposed to be removed in the permit amendment application. The groundwater monitoring network will be sampled, analyzed, and monitored in accordance with the procedures in the Groundwater Sampling and Analysis Plan (Attachment 11 of the Permit Amendment Application), which is part of the facility permit.

In Attachment 14 of the PPA, it is indicated that landfill gas migration will be monitored around the perimeter of the facility utilizing 31 gas monitoring probes (22 existing, 16 proposed, 7 existing probes removed) permanent landfill gas monitoring probes (LFGMP). TCEQ regulations require that gas monitoring be conducted at least quarterly to detect any possible migration of methane gas beyond the facility property boundary and in enclosed structures within the facility property boundary.

Comment 38: Double Liners Requirements

Dr. Orlynn Evans comments that Pennsylvania and California require double liners to deal with some of the concerns he has with the proposed landfill.

Response 38:

In accordance with 30 TAC Chapter 330, Subchapter H (Groundwater Protection Design and Operation), the double liner system is not required. The proposed landfill will include a groundwater monitoring system based on site-specific technical information. The system will consist of a sufficient number of wells, installed at appropriate locations and depths, to yield representative groundwater samples from the uppermost aquifer. The groundwater monitoring wells will be sampled and analyzed in accordance with the Groundwater Sampling and Analysis Plan. In addition, the landfill will be constructed with a composite liner and leachate collection system meeting the groundwater protection design criteria in Section 330.200(a)(2) of the MSW rules. The Executive Director has determined that the proposed groundwater monitoring system will provide adequate groundwater monitoring.

Comment 39: Windblown, White Goods, and Odor Control

Dr. Orlynn Evans comments that Waste Management has failed to perform in the areas of road cleanup, vehicle covering, receiving white goods, and odor control.

Response 39:

Under the requirements of Section 330.123 of the TCEQ's MSW rules, the operator of a landfill is responsible for taking steps to encourage that vehicles hauling waste to the facility are enclosed or provided with a tarpaulin, net, or other means to effectively secure the load in order to prevent the escape of any part of the load by blowing or spilling. The operator of a landfill is responsible for the clean up of waste spilled along and within the right-of-way of public access roads serving the site for a distance of two miles in either direction from any entrance used for the delivery of waste to the site.

Under the requirements of Section 330.124 of the TCEQ's MSW rules, large, heavy, or bulky items (i.e. white goods, air conditioner units, metal tanks, large metal pieces, automobiles, etc.), which cannot be incorporated in the regular spreading,

compaction, and covering operations at landfills should be recycled. A special area should be established to collect these items. This special collection area must be designated as a large-item salvage area. The owner or operator shall remove the items from the site often enough to prevent these items from becoming a nuisance and to preclude the discharge of any pollutants from the area.

Regarding odor control, please refer to Response 16. The Applicant provides adequate measures in Part IV of the PAA regarding road cleanup (wheel wash unit for mud control, daily roads cleanup for a distance of 2 miles in either direction from the facility entrances used for landfill activities, etc.), vehicle covering (a sign at the front gate stating that all loads will be properly covered), receiving white goods (a designated large items area for environmentally controlled salvaging/recycling), and odor control (Odor Management Plan to identify sources of odor and provide corrective action to minimize odor). Complaints regarding the facility may be made by contacting the Austin Regional Office, at 512-339-2929, or the toll-free Environmental Violation Hotline at 1-888-777-3186. If the facility violates a term of the permit or the TCEQ's regulations, the permittee will be subject to an enforcement action.

Comment 40: Site Operating Plan

Robin Schneider states that the site operating plan ("SOP") is inadequate because:

- 1) Applicant has not provided adequate details and enforceable requirements to guide day-to-day operations and to allow the enforcement of the SOP;
- 2) the individual plans are only restatements of the rules or plans to develop plans;
- 3) the plans do not provide the detail required for training and procedures to allow the employees to use the plans;
- 4) the operational procedures will not prevent the acceptance of lead acid storage batteries, used motor oil, used oil filters, whole scrap tires, items containing chlorinated fluorocarbons, liquid waste, hazardous waste, radioactive wastes or polychlorinated biphenyls;
- 5) the plans will not prevent or assure proper response to fires, and other safety or health hazards;
- 6) the plans will not prevent or minimize rats, insects, birds and other carriers of disease;
- 7) the plans will not prevent or minimize litter or windblown waste;
- 8) the plans will not prevent or minimize the ponding of water on the landfill; and/or
- 9) the plans will not prevent or minimize odors.

Response 40:

According to Subchapter F of the TCEQ's MSW rules, permit applicants must submit an adequate SOP to include all items listed in Comment 40 in accordance with

Sections 330.111 - 330.139 of the MSW rules. The SOP must include provisions for site management and the site operating personnel to meet the general and site-specific requirements of this subchapter.

The Executive Director has determined that the technically complete version of the PAA's SOP adequately addresses all required items.

Comment 41: Council of Government (COG) Review

Dr. Orlynn Evans comments that no review of the completed application has been scheduled by CAPCOG/SWAC due to TCEQ's hesitancy to go on record as approving the Regional Solid Waste Management Plan submitted by CAPCOG. Robin Schneider and Mary Carter comment that the expansion will not be compatible with the regional solid waste management plan, and that the Applicant has not submitted a demonstration of compliance with the regional plan or a letter of approval from the Capital Area Council of Governments. An unidentified commentor states that CAPCOG requests a copy of the Site Operating Plan, too, but there is no indication that this is provided.

Response 41:

The Applicant submitted documents required by CAPCOG to CAPCOG, and TCEQ's MSW Permits Section also submitted agency review documents to CAPCOG for their review and comment on the PAA. It is the Executive Director's understanding that CAPGOG has decided not to review the application because the Applicant is Williamson County, a member of CAPCOG.

Comment 42: COG Review

Dr. Evans comments that the TCEQ has not implemented the agency's rules regarding community impact because CAPCOG has not reviewed parts III and IV of the application. Dr. Evans also states that issuing a draft permit without CAPCOG's recommendation not only brings the Executive Director into violation of the rules he is responsible for administering, it also rebuts statements by his managerial staff. An unidentified commentor states that the Applicant did not obtain CAPCO approval of the application. The commentor also states that the Applicant did not adequately respond to the CAPCO Solid Waste Plan Conformance Checklist, and cited that a compliance history was not provided as requested.

Response 42:

Please refer to Response 41. The Applicant submitted the required documents to CAPCOG, and TCEQ's MSW Permits Section also submitted agency review documents to CAPCOG for their review and comment on the PAA. As stated in the First RTC on this permit, CAPCOG's recommendation would be reviewed when received. However, CAPGOG has not provided a recommendation on the PAA.

Comment 43: Compliance History

Robin Schneider and Mary Carter comment that the owner has chosen an operator that has a history of noncompliance at this and other facilities, including other facilities in the CAPCOG region that:

- 1) support denial of the PAA; or
- 2) requires close scrutiny of the proposal and information submitted by the Applicant, and the addition of special conditions to any approval of future land use to assure that the determination is not improperly used by the County and WMT; especially to foreclose or limit legitimate uses of surrounding lands. The operations of WMT at its landfills in Central Texas, in Travis and Comal Counties are just a few examples.

Response 43:

In accordance with TCEQ rules found in 30 TAC Chapter 60, the TCEQ's MSW review process requires that a compliance history of the owner and the operator of the landfill be searched and compiled for violations. Based on TCEQ's compliance history database compiled during the required period (5 years from the date of the PAA), the Applicant has an "average" rating, which does not justify denial of the permit application.

Comment 44: Windblown Trash Along Roads

Dr. Orlynn Evans states that he is concerned about the trash that falls from the trucks on to the side of the road on the way to the landfill. Dr. Evans also comments that the problem is only temporarily resolved, and that if the responsibility is going to fall on the citizens, that they should have more influence in the location, expansion and enforcement regarding the landfill. Susan McAtee comments that waste falls from the trucks going to the landfill and lands on her property.

Response 44:

Under the requirements of Section 330.123 of the TCEQ's MSW rules, the operator of a landfill is responsible for the clean up of waste spilled along and within the right-of-way of public access roads serving the site for a distance of two miles in either direction from any entrance used for the delivery of waste to the site. Section 5.10, Part IV of the permit application states that waste that spills or blows out within the right-of-way or public access roads serving the site for a distance of two miles in either direction will be promptly cleaned up.

The PAA contains adequate measures in Part IV (SOP) regarding road cleanup (wheel wash unit for mud control, daily roads cleanup for a distance of 2 miles in either direction from the facility entrances used for landfill activities, etc.) and vehicle covering (a sign at the front gate stating that all loads will be properly covered). The Executive Director determines that the application complies with the applicable MSW rule.

Comment 45: Trucks Cover

Dr. Orlynn Evans comments that the Landfill does not enforce the warning it has posted requiring trucks to be covered in order to be able to deposit trash in the landfill. Mahlon Arnett comments that the landfill doesn't follow its own rules on tarping. He states that he went to the landfill without a tarp and was not charged an extra fee.

Response 45:

Please refer to Response 44. The PAA contains adequate measures in Part IV of the PAA regarding vehicle covering (a sign at the front gate stating that all loads will be properly covered). Inadequate landfill management practices may be reported to the TCEQ for investigation. Complaints regarding the facility may be made by contacting the Austin Regional Office, at 512-339-2929, or the toll-free Environmental Violation Hotline at 1-888-777-3186. In the past 5 years, TCEQ compliance history reports for the existing facility do not show any citation regarding trash blown off of the trucks.

Comment 46: Large Items Disposal

Dr. Orlynn Evans comments that he has two reports of white goods being delivered to the Williamson County Landfill in an uncovered pickup truck and being allowed to dump at the working face. Mahlon Arnett states that the landfill isn't following its own rules on the disposal of white goods. He states that he and his family had recently disposed of white goods at the landfill with no comment by the landfill staff. Robin Schneider comments that the PAA does not adequately address the disposal of large items including a failure to describe how appliances will be inspected for chlorinated fluorocarbon and how the chlorinated fluorocarbon will be removed.

Response 46:

Please refer to Response 39 regarding white goods. The Applicant provided adequate measures in Part IV of the PAA regarding receiving white goods (a designated large items area for environmentally controlled salvaging/recycling). Inadequate landfill management practices may be reported to the TCEQ for investigation. Complaints regarding the facility may be made by contacting the Austin Regional Office, at 512-339-2929, or the toll-free Environmental Violation Hotline at 1-888-777-3186.

Comment 47: Traffic

Dr. Orlynn Evans comments that the 1999 traffic count used by the Applicant is outdated, and that Ms. Imelda Barrett, Assistant Director of Transportation Operations, agrees. Dr. Orlynn Evans submitted sample traffic count that he collected on Wednesday, May 4, 2005. In Dr. Evans summary he calculated that 296 of the 542 vehicles traveling on FM-1660 within one mile south of the landfill would not be counted by a counter located between the San Gabriel River and CR-100, and that 246 would. Dr.

Evans comments that a prediction of 1,405 vehicles for the year 2005 is too low. Dr. Evans comments that the traffic to and from the landfill will impact the existing traffic patterns. Robin Schneider comments that the PAA does not include sufficient transportation analysis or site access details, and fails to accurately reflect resulting traffic flows with the projected growth patterns. TJFA, LP comment that no traffic study was performed, and that it does not appear that TxDOT was fully satisfied with respect to the future impact of the landfill, as no final response is included with the permit amendment application.

Response 47:

TCEQ's consideration of traffic in the MSW permitting process is required by rule. The land use statute in Texas Health and Safety Code (THSC) Section 361.069, gives TCEQ the authority to consider traffic, and that authority is governed by the following rules:

- A). 30 TAC Section 330.53(b)(9) requires that applicants provide data on the availability and adequacy of roads that will provide access to the site; the volume of vehicular traffic on access roads within one mile of the proposed facility, both existing and expected, during the expected life of the proposed facility; and the volume of traffic expected to be generated by the facility on the access roads within one mile of the proposed facility;
- B). 30 TAC Section 330.11(b) states that if primary access to a proposed facility is provided by a state maintained highway, the TCEQ must solicit a recommendation from TxDOT regarding the adequacy and design capacity of the roadway to safely accommodate the additional volumes and weights of traffic expected to be generated by the facility; and
- C). 30 TAC Section 330.51(b)(6)(c) requires that applicants submit documentation of coordination with TxDOT for traffic and location restrictions.

TCEQ and the Applicant coordinated with TxDOT during the permit review process by requesting a review of the Applicant's plans. TCEQ received a response from TxDOT indicating that they had no objection to the proposed amendment.

The Applicant provided 1999 TxDOT data on two-way, 24-hour daily traffic volumes in the vicinity of the landfill. Traffic volumes were available on FM 1660 north of CR 100 and south of the San Gabriel River. The information indicates 1150 vehicles per day (vpd) south of the site and 900 vpd north of the site which include traffic from landfill activities. The majority of the landfill traffic will enter the site from the south. The Applicant submitted projected traffic counts based on an estimated 3.4% annual traffic increase. The Applicant anticipates that traffic associated with the landfill will increase at approximately the same rate as the population growth which is projected by the Capital Area Planning Council (CAPCO) to be approximately 3.4 percent per annum.

Comment 48: Roadways Destruction

Ben and Bonnie Billing comment that increased truck traffic will prematurely destroy roadways, effecting already overstressed state transportation budgets.

Response 48:

The Commission's MSW regulations at Section 330.11(b) requires the commission to coordinate with TxDOT on the review of all permit applications for municipal solid waste land disposal facilities existing or proposed within 1,000 feet of an interstate or primary highway to determine the need for screening or special operating requirements. When primary access to a municipal solid waste disposal facility is provided by state-maintained streets or highways, the commission shall solicit recommendations from TxDOT regarding the adequacy and design capacity of such roadways.

TxDOT has reviewed the PAA summary and based on projected waste acceptance rate specified in the PAA did not have any negative comments on the proposed landfill.

Comment 49: Impact on Traffic

Dr. Evans comments that community traffic conditions were not considered, based on the proposed waste acceptance rates. FM 1660 is heavily traveled by large trucks and hundreds of cars every day. Dr. Evans states that increasing the number of trucks by anything close to 15 times is pure lunacy. Robin Schneider states that the PAA does not present adequate transportation information or an adequate description for the 1) roads, 2) bridges in the area, 3) weight limits, and/or 4) the placement and design of the access to the landfill, to minimize risks of accident. The increase in traffic cannot be handled by the small roads in the area and the roads will be destroyed by the large number and size of the trucks. Ms. Schneider also comments that the increase in traffic and other safety hazards will adversely affect surrounding landowners, residents and others who work in the area or use nearby lands or watercourses for recreational purposes. Rhonda Stanton comments that she is concerned about the increased truck traffic along the route to the landfill. Ms. Stanton states that the roads are not designed to handle the traffic the proposed expansion will generate.

Response 49:

The requirements regarding transportation are in Section 330.53(b)(9) of the TCEQ's MSW rules. Under this Section, the permit applicant is required to provide data on the availability and adequacy of roads that will be used to access the site. The Applicant must also provide data on the volume of vehicular traffic on access roads within one mile of the proposed facility, both existing and expected, during the expected life of the proposed facility. Additionally, the Applicant should project the traffic expected to be generated by the facility on the access roads within one mile of the proposed facility.

The Applicant provided a transportation analysis in Part I/II of the application in compliance with Section 330.53(b)(9)(A-C). The transportation analysis states that there will be no adverse impact on the area. The Executive Director determined that the submitted information complied with the requirements of the MSW rules.

TXDOT has reviewed the PAA summary and based on projected waste acceptance rate specified in the PAA, TXDOT did not have any negative comments on the proposed landfill.

Comment 50: Required Process for Landfill Expansion

Robin Schneider comments that the TCEQ staff incorrectly states that a permit amendment would be required for future expansions of the facility due to a possible rule change which would allow additional changes to a permit through a permit modification. She adds that the TCEQ staff and the community should take this permit amendment seriously because it may be the last permit amendment for this facility.

Response 50:

The current MSW rule requires a permit amendment for lateral and vertical expansions, except a one time only approval for less than a ten feet vertical expansion, which requires a Noticed Modification under Chapter 305 of the TCEQ's rules.

Comment 51:

Robin Schneider comments that she wants a response to the issues raised by Mr. Crawford.

Response 51:

Please refer to Responses 5 and 147. The Executive Director has responded to the comments received from Mr. Crawford.

Comment 52: Impact of Runoff to Nearby Waterways

Robin Schneider comments that the San Gabriel River runs very close to this landfill, and that there are waterways that exit the landfill from the north side that empty into the San Gabriel river. Ms. Schneider also states that she's talked to many paddlers who are concerned about the condition of the San Gabriel River. She asks whether they would be able to fish and paddle on the San Gabriel River the way they have enjoyed it in the past.

Response 52:

Please refer to Responses 4 and 7. The PAA contains adequate design in Attachment 6 and Attachment 15 of Part III and in various Sections in Part IV of the PAA, addressing control measures to prevent contaminated water discharge from the site. In addition, stormwater will be conveyed through perimeter ditches into detention ponds. All debris from the landfill will be detained in the ponds.

Comment 53: Operator Performance Evaluation & Selection

Robin Schneider comments that if the county were operating the landfill in the interest of the county taxpayers, they would be doing things a lot differently, such as: looking at other operators that have an excellent, above average compliance record, not like Waste Management that received the biggest fine in recent history due to the operation of their landfill in Travis County; looking at other operators that don't put landfills and expansions of landfills where there are fault lines like in Comal County; looking at operators where recycling is not just in the name and not just an afterthought, but where it's a crucial part of their business; looking at how to reduce the waste so that we don't have blights and eyesores, and so that we can put people to work in Williamson county by recycling and reducing the things that are being landfilled.

Response 53:

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction on landfill operator selection when determining whether to approve or deny a permit application. The Executive Director's review of a permit application considers whether the proposed facility meets the requirements of Chapter 330 of the Commission's rules. In addition, Section 305.122(c) of the TCEQ's rules provide that the issuance of a permit does not authorize any injury to persons or property or an invasion of other property rights, or any infringement of state or local law or regulation.

The County, as the owner of the landfill, may choose to select any qualified operator to operate the county landfill.

Comment 54:

Robin Schneider states that the issuance of the permit, or a land use compatibility determination, would be inconsistent with numerous state policies including the statutory and regulatory goals that direct TCEQ to:

- 1) promote the maximum conservation and protection of the quality of the environment and the natural resources of the state;
- 2) prohibit discharges and actions that could result in pollution of waters [ground or surface] of the state,
- 3) require the safeguarding of the state's air from pollution;

- 4) require the control all aspects of the management of municipal solid waste...by all practical and economically feasible methods consistent with the law; and
- 5) prohibit any person from causing or allowing the collection, storage, disposal; transportation, or processing, of municipal solid waste in a fashion that:
 - (a) results in the discharge or imminent threat of discharge of municipal solid waste into or adjacent to the waters in the state
 - (b) creates or maintains nuisance conditions; and/or
 - (c) endangers human health or welfare or the environment.
- 6) prohibit the issuance of a permit to operators with a history of non-compliance with environmental law at this and/or other facilities.

Response 54:

Responses to items listed in Comment 54 are as follow:

- 1) The TCEQ's MSW rules at Section 330.5 require that the proposed facility be operated in a way that prevents the occurrence of nuisance conditions. Various features of the proposed site operation, including daily covering of waste and prevention of ponded water, should reduce the potential for nuisance conditions. If the proposed landfill is designed and operated according to the terms and conditions of the draft permit the Executive Director does not expect nuisance conditions to occur.
- 2) Please refer to Responses 4, 7, 26, and 37.
- 3) Please refer to Response 16 and 37 regarding landfill gas.
- 4) TCEQ is tasked by the legislature to regulate the disposal of municipal solid waste within the State. Authorizations issued by TCEQ must meet all relevant statutory and regulatory requirements. Permit provisions together with TCEQ rules help ensure that human health and safety are maintained and water quality is protected.
- 5) Please refer to Response 54 item.4. The TCEQ's MSW rules at Section 330.5 require that the proposed facility be operated in a way that prevents the occurrence of nuisance conditions. Various features of the proposed site operation, including daily covering of waste and prevention of ponded water, should reduce the potential for nuisance conditions. If the proposed landfill is designed and operated according to the terms and conditions of the draft permit the Executive Director does not expect nuisance conditions to occur.
- 6) The PAA meets all requirements in accordance with the MSW rules regarding the landfills design and operations.

Comment 55: Faults & Wetlands

Robin Schneider comments that the site violates the site selection criteria as it is located in an area with faults and wetlands. Ms. Schneider continues to comment that there is no current wetland study included to support the PAA's suggestion there are no wetlands that could be impacted.

Response 55:

The Applicant has represented in the permit application that the facility is not located within 200 feet of a fault which has had displacement in Holocene time. The proposed site is located in a geologically stable area that is not subject to differential subsidence or active geological faulting. The criterion for seismic zones, as defined in accordance with 30 TAC Section 330.304, has been met. The area of the proposed landfill is not subject to significant seismic activity.

The Applicant has represented in the permit application that a wetlands study was performed on the existing facility in 1994 and a second wetlands study was performed on the proposed expansion property in October 2002. There are no jurisdictional wetlands present within the proposed disposal area boundaries. However, it was indicated that within the proposed permit boundary two areas containing wetlands were identified. These two areas consist of 0.3856 acres of jurisdictional waters associated with Mustang Creek in the Southwest corner of the facility and 0.09 acres associated with an unnamed drainage pathway/tributary located along the northern property boundary of the existing facility. These two areas are located outside of any proposed construction.

Comment 56: Recycling

Robin Schneider comments that the jobs created by landfilling are minimal and that the jobs created by recycling and waste reduction are many.

Response 56:

The TCEQ encourages source reduction, reuse, and recycling in many ways, such as the Texas Recycling Program and Urban Recycling Events held throughout the state. Additionally, TCEQ rules provide incentives for facilities to recycle, but recycling is discretionary and not a mandatory requirement for a landfill permits.

Comment 57: New MSW Rules

Robin Schneider comments that the expansion would wait until after the new rules are adopted if the landfill were going to be run in the public interest.

Response 57:

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to

recommend a specific time to submit the PAA when determining whether to approve or deny a permit application. The Executive Director's review of a permit application considers whether the proposed facility meets the requirements of Chapter 330 of the Commission's rules. The County has decided to proceed with the permit amendment application under the previous MSW rules.

Comment 58: Appropriate Use of Land

Robin Schneider states that she hopes Williamson County will consider better uses for this land.

Response 58:

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to recommend the Applicant on land-use issue when determining whether to approve or deny a permit application. The Executive Director's review of a permit application considers whether the proposed facility meets the requirements of Chapter 330 of the Commission's rules.

Comment 59: Property Values

Robin Schneider comments that the maps don't show all the recent development and that the county is trying to push this through before there are even more neighbors to be concerned about their property values.

Response 59:

Please refer to Response 1. In addition, the TCEQ's MSW rules do not have a provision to consider property value. TCEQ has no authority under the Texas Health & Safety Code (THSC) to consider property values when reviewing permit applications. While the THSC does allow the consideration of economic development for proposed industrial and hazardous waste facilities it does not provide TCEQ authority to consider such things in relation to municipal solid waste facilities.

Comment 60: Better Location & Operator

Robin Schneider states that Williamson County would do its residents, voters, taxpayers, and property owners a much better service to find another location for a landfill and a better operator and a much better operation than the one they have now.

Response 60:

Please refer to Response 53. Site location and operator selections are outside the jurisdiction of the TCEQ. TCEQ does not require alternative site evaluations.

Comment 61: Liners

Robin Schneider comments that the landfill is not properly designed with proper quality control for the liners because:

- 1) the geotechnical evaluation is inadequate as the slopes and materials for the sidewalls will not assure long-term stability;
- 2) the design will not protect the liner from puncture during construction of filing or from leaks at seams.

Response 61:

According to the Commission's MSW regulations at Section 330.205, a landfill must have an approved Soils and Liner Quality Control Plan (SLQCP) prepared under the direction of a registered professional engineer (for both, sidewall and floor), and it shall be the basis for the type and rate of quality control testing performance and reported in the Soil and Liner Evaluation Report (SLER) as required in Section 330.206 of the TCEQ's MSW rules (relating to Soils and Liner Evaluation Report (SLER) and Flexible Membrane Liner Evaluation Report (FMLER)). The SLQCP must be included in the Site Development Plan to provide operating personnel adequate procedural guidance for assuring continuous compliance with ground-water protection requirements. The plan shall specify construction methods employing good engineering practices.

The liner design is signed and sealed by J. Roy Murray, P.E., and follows accepted liner construction practice. The SLQCP complies with Section 330.205, and follows the agency Technical Guidance document for SLQCPs.

Comment 62: Liners & Leachate Collection System

Robin Schneider comments that the PAA does not address the types of landfill liners and leachate collection systems to be utilized.

Response 62:

The Applicant has provided information regarding liners and leachate collection system as presented in Attachment 10 and Attachment 15 of Part III of the PAA. Mr. J. Roy Murray, P.E., has provided a write-up on pages III-8-III-9 of the Site Development Plan, Part III of the application describing the proposed liner system for the expansion area. The liner system in the expansion area will be a standard Subtitle D liner consisting of 2 feet compacted soil overlain by a 60-mil geomembrane overlain by a leachate collection system and protective cover. There have been no changes regarding the liner system in the currently approved disposal areas, which will be a standard composite liner, or alternate liner in Unit 3.

Comment 63: Landfill Covers

Robin Schneider comments that the type of daily, intermediate, and final cover to be utilized is not addressed.

Response 63:

According to the TCEQ's MSW rules at Section 330.133, the site operator must implement the requirements criteria set forth in this Section regarding: daily cover to control disease vectors, fires, odors, windblown litter or waste, and scavenging; intermediate cover to control stormwater runoff quality and erosion during active phase; and final cover to control stormwater runoff quality and erosion during post closure period.

The Applicant has provided adequate information regarding daily, intermediate, and final cover as presented in Section 4.22 of Part IV (SOP) of the PAA.

Comment 64: Liners

Robin Schneider comments that the Applicant incorporates incorrect information and misleads TCEQ and the general public by stating that Subtitle D composite liner systems were installed after the effective date of Subtitle D on October 9, 1993. She states that Waste Management obtained approval to open a vast area of the current landfill in advance of the Subtitle D implementation date so that actual Subtitle D liner systems would not have to be installed until the next century. In addition, the liner system installed was not a Subtitle D composite liner system, but a performance-based, alternative liner system that was simply called a composite liner system.

Response 64:

The Williamson County Landfill filed a permit modification with the TCEQ prior to April 9, 1994, to continue receiving waste under Chapter 330, Texas Administrative Code (became effective October 9, 1993). The liner system was reviewed and approved by the agency in accordance with the requirements of Chapter 330.

The Applicant provides sufficient information regarding the existing liner for the technical review process of this PAA and the proposed liner tie-in design meets all required criteria in accordance with the MSW rules.

Comment 65:

An unidentified commentor states that the liner system design, as proposed, is inadequate, specifically with respect to the geotechnical and hydraulic properties testing.

Response 65:

Please refer to Response 61. Mr. J. Roy Murray, P.E., has properly signed and sealed the Soil and Liner Quality Control Plan, Attachment 10 of Part III of the application, and has certified that the liner system will be constructed in accordance with the TCEQ's MSW rules at Section 330.205. The proposed liner system was prepared and sealed by a professional engineer to ensure proper design, installation, and maintenance.

Comment 66: Public Notice

Robin Schneider comments that public notice was inadequate/improper because:

- 1) notice did not go to property owners and residents within ½ mile or to all people on the mailing list for this site; and/or
- 2) timely notice did not go to the proper state senator and representative, federal and state agencies, etc.

Response 66:

Under the TCEQ's notice rules, the only MSW notice that is required to be mailed to every property owner within ½ mile of the facility is the Notice of Hearing for a new landfill. Lastly, timely notices were sent to applicable recipients 3 times and public meetings were held 3 times (one in October 2004, one in August 2005, and one in July 2006).

Comment 67: Owner, Operator, & Permittee

TJFA states that three Applicant's statements were signed by a representative from Williamson County and a representative for Waste Management, and that notices issued by the TCEQ have sometimes identified Williamson County as the Applicant and have sometimes identified Williamson County and Waste Management as applicants. Mahlon Arnett comments that the notice for the July 27, 2006 public meeting conflicts with the revised draft permit. Mary Carter comments that the Public Notices are insufficient because earlier public notices listed only Williamson County as the Applicant, and the application process should begin again and provide the accurate listing of the applicant.

Response 67:

Current Notices specifically state that Williamson County is the owner of the site and the permit and that Waste Management is the operator.

Comment 68: Notice

Mahlon Arnett asks if public notices should be re-posted if they are wrong, and if the permit should have to be restarted from scratch if the paperwork filed by Waste Management was wrong.

Response 68:

The Executive Director has concluded that the notices for the requested amendment comply with the TCEQ's notice requirements.

Comment 69: Applicant

TJFA, L.P. asks who the Applicant is and who the permittee is. Mahlon Arnett asks what significance is there in Waste Management being a co-applicant in the permit and the public notices.

Response 69:

The prepared draft permit indicated that Williamson County is the permittee. There is no co-applicant, Waste Management is the contracted operator.

Comment 70: Applicant

Mahlon Arnett comments that the notice of the July 27, 2006 meeting indicated that the County and Waste Management are still co-applicants.

Response 70:

Please refer to Response 69.

Comment 71: Inadequate Permit Terms

Robin Schneider comments that the proposed permit is inadequate/improper because:

- 1) Applicant has not presented sufficient justification for the permit terms of the life of the facility;
- 2) a 5 year term with provision for expiration and renewal is justified given the facts;
- 3) the permit conditions are vague and unenforceable; and/or
- 4) the representations in the PAA that are incorporated into the permit are vague and unenforceable.

Response 71:

The Executive Director thoroughly reviewed the permit application according to the TCEQ's MSW rules. According to Section 330.63 of these rules, a permit is usually issued for the life of the site. A permit may be issued for a specific period when deemed appropriate by the Executive Director. The Executive Director determined that a term limit was not necessary for this application. The Executive Director determined that the permit application complied with the requirements for solid waste landfill facilities seeking a permit amendment. The Executive Director considers the terms of the draft permit, which are similar to the other MSW permits issued by the TCEQ, to be enforceable.

Comment 72: Land-Use Compatibility

Robin Schneider comments that the proposed expansion will not be compatible with surrounding land uses, considering the factors identified in 30 TAC Section 330.53(b)(8). She adds that the area is residential and agricultural, not industrial. Operations of the landfill will interfere with the use and enjoyment of surrounding lands and homes, and the landfill is not compatible with surrounding drainage, pipeline and utility easements. Ms. Schneider also comments that the proposed expansion will not be visually compatible with its surroundings. The landfill will be visible for miles and the proposed buffer and screening are woefully inadequate given the height.

Response 72:

The Commission's MSW regulations at Section 330.53(b)(8) require that the Commission consider the impact of a site upon a city, community, group of property owners, or individuals in terms of compatibility of land use, zoning, community growth patterns, and other factors associated with the public interest. To assist the Commission's consideration of these issues, the applicant is required to include a description of the land use within one mile of the proposed facility and the growth trend and direction of major development for the nearest community. The Executive Director has determined that the required information concerning surrounding land uses was submitted in the application.

Comment 73: Plant Screening & Maintenance

Robin Schneider comments that the PAA does not propose reasonable measures for planting and maintaining trees, and wind breaks to protect surrounding land uses.

Response 73:

The Commission's MSW regulations at Section 330.11(b) requires the commission to coordinate with TxDOT on the review of all permit applications for municipal solid waste land disposal facilities existing or proposed within 1,000 feet of an interstate or primary highway to determine the need for screening or special operating requirements. When primary access to a municipal solid waste disposal facility is provided by state-maintained streets or highways, the commission shall solicit recommendations from TxDOT regarding the adequacy and design capacity of such roadways. TCEQ and Applicant coordinated with TxDOT during the permit review process by requesting a review of the Applicant's plans. TCEQ received a response from TxDOT indicating that they had no concern regarding planting and maintaining trees to screen the proposed landfill.

In addition, the Commission's MSW regulations at Section 330.138 requires only screening of the deposited waste, basically in the active operating area (unloading area). Section 4.26 of the SOP (Part IV of the PAA) indicates that the natural vegetation,

vegetated soil berms, and vegetated berms constructed of compost or mulch will be utilized as visual screening of the waste deposited area.

Comment 74: Land-Use Compatibility

Robin Schneider comments that the proposed expansion will not be compatible with local land uses and growth trends in the area, because the area is experiencing high rates of growth of residential communities, not industrial facilities.

Response 74:

TCEQ rules state that “a primary concern” in considering land-use compatibility “is that the use of any land for a municipal solid waste site not adversely impact human health or the environment. The impact of the site upon a city, community, group of property owners, or individuals shall be considered in terms of compatibility of land-use, zoning in the vicinity, community growth patterns, and other factors associated with the public interest.” 30 TAC Section 330.53(b)(8). To this end, the Applicant must submit the following information that specifically relates to land-use:

1. zoning at the site and in the vicinity, 30 TAC Section 330.53(b)(8)(A);
2. county land-use ordinances, Health and Safety Code Sections 363.112, 364.012;
3. character of surrounding land-uses within one mile of the proposed facility, 30 TAC Section 330.53(b)(8)(B);
4. growth trends of the nearest community with directions of major development, 30 TAC Section 330.53(b)(8)(C);
5. proximity to residences and other uses (e.g., schools, churches, cemeteries, historic structures and sites, archaeologically significant sites, sites having exceptional aesthetic quality, etc.), 30 TAC Section 330.53(b)(8)(D);
6. conformance with COG plan goals relating to land-use, Health and Safety Code Section 363.066;
7. other traditional land-use factors associated with the public interest, 30 TAC 330.53(b)(8).

Some items relate to compatibility with surrounding land-uses are in Parts III and IV of the application. These items were considered during review and preparation of the draft permit and modifications may be made to the application and placed in the draft permit based on land-use compatibility. They may include:

1. geographic boundaries of the proposed site and the proposed landfill;
2. maximum height of the proposed landfill;
3. area extent of the proposed landfill (i.e. # of acres);
4. the expected life of the facility;
5. size of any proposed buffer zones;
6. details of any proposed screening;
7. proposed hours of operation;
8. transportation and traffic;

9. the impact of the facility upon airports in accordance with 30 TAC Section 330.300; and
10. other factors that the applicant believes may minimize the impact of the landfill upon surrounding uses.

Based on review of the PAA, the Executive Director has determined that the proposed landfill expansion is compatible with surrounding land-uses.

Comment 75: Endangered or Threatened Species

Robin Schneider comments that the evaluation of endangered species in the landfill inadequate because the Applicant has not provided adequate demonstration that the landfill is not in a critical area for endangered or threatened species or otherwise in an area where the landfill operations would not adversely affect endangered or threatened species or habitat for such species.

Response 75:

Under Section 330.53(b)(13)(B) of the Commission's rules, the TCEQ must consider the impact of a solid waste disposal facility upon endangered or threatened species. In addition, the facility and the operation of the facility may not result in the destruction or adverse modification of the critical habitat of an endangered or threatened species, or cause or contribute to the taking of any endangered or threatened species. According to Sections 330.51(b)(8), 330.53(b)(13), and 330.302 of the TCEQ's MSW rules, the applicant must demonstrate compliance with the Endangered Species Act under state and federal laws. The Applicant has represented in the PAA that based on endangered species assessment conducted for this PPA and coordination between the Applicant and Texas Parks and Wildlife Department (TPWD) as indicated in the letter from the TPWD, dated 12/06/02, no endangered or threatened species present at the proposed location and no threatened or endangered species would be adversely impacted by the facility. However, the letter recommended precautions be taken to avoid adverse impacts. Based on information provided in the PAA, Section 3.6 of Part I/II, a biological assessment was performed at the site by a qualified biologist. A field reconnaissance was performed and revealed the presence of no endangered or threatened species or their critical habitat within the site. Given this assessment, no precautions were provided in the SOP.

The information submitted in the application was determined by the Executive Director to meet the requirements in the TCEQ's MSW rules.

Comment 76: Incomplete & Inaccurate Application

Robin Schneider comments that the Applicant did not submit a complete and accurate application necessary to demonstrate land use compatibility, and other information required by TCEQ because:

- 1) the PAA does not identify all springs, water wells, oil and gas wells, homes, churches, etc. in the area;
- 2) the PAA does not identify site specific issues requiring special considerations such as the problems with the existing landfill at the site; and
- 3) the PAA does not provide all the information required by the rules.

Response 76:

30 TAC Chapter 281 provides TCEQ with authority to return incomplete applications during administrative review or, in certain circumstances, during technical review. TCEQ may also request additional technical information during technical review. To the extent that any such requests were made, adequate responses were received. TCEQ has reviewed the application and concluded that the Applicant has provided all required elements in accordance with 30 TAC Chapter 330. The Applicant is required to submit accurate information to TCEQ in its permit application or a permit may be denied. If an applicant becomes aware of additional information, or if information in an application changes, the application must be updated accordingly so that TCEQ may consider and base its permitting decision on correct information.

In addition all required information was provided in the PAA sealed by Mr. J. Roy Murray, P.E., to ensure that all information is accurate, and the PAA meets all of the rule requirements regarding the listed items.

Comment 77: Geology & Groundwater

Robin Schneider comments that the information on geology and hydrology is inadequate because:

- 1) there were not an adequate number of borings at the correct locations and depths for the evaluation of the geology and groundwater needed to determine if the site can be used for a landfill of the size and nature proposed;
- 2) the PAA does not adequately describe the regional or site specific geology and the regional aquifers; and
- 3) the PAA does not properly characterize the soils.

Response 77:

The Applicant has represented that 44 borings were advanced at this site, with the locations of the borings shown on Figure III-4.12, with 18 of the borings advanced to depths at least 30 feet deeper than the elevation of the deepest excavation (EDE), and 17 borings advanced to a depth of at least 5 feet deeper than the EDE. A description of previous site investigatory work was included in the Geology Report, Attachment 4 to Part III of the PAA. The Applicant has also included a description of the site specific geology and the regional aquifers in this attachment, as required under §330.56(d). Lithologic descriptions of the subsurface geology and soils are included on the boring logs in Appendix III-4-C, as well as in the text to the Geology Report. Additionally,

Applicant has provided the results of the soils tests required under Section 330.56(d)(5)(B) on Table III-4.7.

Comment 78: Insufficient General Map

Robin Schneider comments that the general maps do not include the required information in sufficient detail and are not representative of actual conditions as required.

Response 78:

Please refer to Response 76. Based on the technically complete version of the PAA, the general maps submitted in the application were determined by the Executive Director to meet the requirements in the TCEQ's MSW rules.

Comment 79: Insufficient Location Map

Robin Schneider comments that the location map does not adequately mark the permit boundaries and surrounding roads to identify the landfill's general location.

Response 79:

Please refer to Responses 76 and 78. All information was provided in the PAA sealed by Mr. J. Roy Murray, P.E., to ensure that all information is accurate and the PAA meets all of the rule requirements regarding location map.

Comment 80: Insufficient Existing Condition Map

Robin Schneider comments that there is no map of the location of solid waste disposal cells currently existing on the site.

Response 80:

Under Section 330.56(c) of the Commission's MSW rules, the PAA must include a constructed map showing the contours prior to any grading, excavation, and/or filling operations on the site. Appropriate vertical contour intervals shall be selected so that contours are not further apart than 100 feet as measured horizontally on the ground. Wider spacing may be used when approved by the executive director. The map should show the location and quantities of surface drainage entering, exiting, or internal to the site and the area subject to flooding by a 100-year frequency flood.

Based on the technically complete version of the PAA, the Executive Director determines that the Applicant has provided adequate information regarding the existing construction in accordance with 30 TAC Section 330.56(c) as presented in Attachment 3 of Part III of the PAA.

Comment 81: Outdated Floodplain Map

Robin Schneider comments that the floodplain analysis was performed with an outdated floodplain map which does not accurately reflect the 100-year floodplain location today, and therefore cannot show that landfill operations will not restrict the 100-year flood or cause a washout of solid waste.

Response 81:

Under Section 330.53(b)(12) of the Commission's MSW rules, the PAA must include floodplains and wetlands statement that provide data on floodplains in accordance with Chapter 301, Subchapter C of this title (relating to Approval of Levees and Other Improvements) and discuss wetlands in accordance with Section 330.302 of this title (relating to Wetlands). For the purpose of this rule, demonstration can be made by providing evidence that the facility has a Corps of Engineers permit for the use of any wetlands area.

The Applicant has provided adequate floodplain map as required by the rule and based on the provided FEMA Floodplain Map, Figure I/II-7 of Part I/II, the proposed site is not located in the 100-year floodplain.

Comment 82: Landowners List

Robin Schneider and TJFA, LP comment that the required landowners list does not include accurate information on some of the property owners within 500 feet.

Response 82:

Under Section 330.52(b)(5) of the Commission's MSW rules, the PAA must include the adjacent and potentially affected landowners list. The list must be keyed to the land ownership maps and shall give each property owner's name and mailing address. The list shall comply with the requirements of Section 281.5 of this title (relating to Application for Wastewater Discharge, Underground Injection, Municipal Solid Waste, Hazardous Waste, and Industrial Solid Waste Management Permits). The list must include all property owners within 500 feet of the site.

The landowners list and map has been revised during the technical review process to include all property owners within 500 feet of the proposed site as represented by the Applicant.

Comment 83: Evidence of Competency

Robin Schneider and TJFA, LP comment that the evidence of competency is insufficient due to the lack of qualified employees of the Applicant.

Response 83:

Under Section 330.52(b)(9) of the Commission's MSW rules, the PAA must include the evidence of competency of qualified employees of the Applicant.

The Applicant has represented that the proposed landfill will be operated by qualified personnel as required by the rule. Sections 2, 3, and 4 of Part IV of the PAA (SOP) contain adequate information regarding qualified personnel, equipments, and training requirements.

Comment 84: Insufficient Existing Condition Summary

Robin Schneider comments that the existing conditions summary for land use, environmental, and special issues are not presented in sufficient detail.

Response 84:

Under Section 330.53 of the Commission's MSW rules, the PAA must describe the existing conditions and character of the site and surrounding area. Parts I and II of the application must provide information relating to land-use compatibility under the provisions of Texas Health and Safety Code, Section 361.069.

All required information was provided in the PAA Part I/II, sealed by Mr. J. Roy Murray, P.E., to ensure that all information is accurate and the PAA meets all of the rule requirements regarding the existing conditions summary.

Comment 85: Aerial Photograph

Robin Schneider and TJFA LP comment that the required aerial photograph was taken almost a year before the PAA was filed, and therefore does not accurately reflect current growth trends in the area, especially in the direction of the City of Hutto.

Response 85:

Under Section 330.53(b)(6) of the Commission's MSW rules, the PAA must provide an aerial photograph approximately nine inches by nine inches with a scale within a range of one inch equals 1,667 feet to one inch equals 3,334 feet and showing the area within at least a one-mile radius of the site boundaries. The site boundaries and actual fill areas shall be marked.

The aerial photograph (taken in May 2002) was provided in the PAA sealed by Mr. J. Roy Murray, P.E., to ensure that all information is accurate and the PAA meets all of the rule requirements.

Comment 86: Land-Use

Robin Schneider comments that the land use description does not adequately characterize the existing land uses and the impacts the landfill expansion will have on those uses and community growth trends.

Response 86:

Please refer to Response 74. All information is provided in the PAA sealed by Mr. J. Roy Murray, P.E., to ensure that all information is accurate and the PAA meets all of the rule requirements regarding the land use description.

Comment 87: Geology and Soils

Robin Schneider comments that the general geology and soils statement does not include enough data to support the use of the site for landfill activities.

Response 87:

The Applicant has provided a General Geology and Soils Statement that complies with the requirements of Section 330.53(b)(10).

Comment 88: Aquifers

Robin Schneider comments that the PAA does not accurately describe the regional aquifers at or near the site or include enough data to support the use of the site for landfill activities.

Response 88:

The Applicant has provided a Ground-Water Statement in Part II of the PAA in accordance with the requirements of Section 330.53(b)(11)(A) that identifies the regional aquifers and discusses the local occurrence of ground water.

Comment 89: Endangered or Threatened Species

Robin Schneider comments that the PAA does not provide adequate evidence that a thorough evaluation of the existence of endangered or threatened species was performed by the Applicant. Ms. Schneider comments that the PAA does not adequately address endangered species because there is no inspection process required to insure there continues to be no presence of an endangered species.

Response 89:

Under Section 330.53(b)(13)(B) of the Commission's rules, the TCEQ must consider the impact of a solid waste disposal facility upon endangered or threatened

species. In addition, the facility and the operation of the facility may not result in the destruction or adverse modification of the critical habitat of an endangered or threatened species, or cause or contribute to the taking of any endangered or threatened species. According to Sections 330.51(b)(8), 330.53(b)(13), and 330.302 of the TCEQ's MSW rules, the Applicant must demonstrate compliance with the Endangered Species Act under state and federal laws. The Applicant has represented in the PAA that based on endangered species assessment conducted for this PAA and coordination between the applicant and Texas Parks and Wildlife Department (TPWD) as indicated in the letter from the TPWD, dated 12/06/02, no endangered or threatened species present at the proposed location. The information submitted in the application was determined by the Executive Director to meet the requirements in the TCEQ's MSW rules.

Comment 90:

Robin Schneider comments that there is no proposed Site Development Plan or a Site Operating Plan which would detail the design and operational requirements for onsite facilities and show how the landfill will be operated in a manner to minimize adverse impacts to surrounding property owners and residents.

Response 90:

This comment was received during the bifurcated application review process which included only Part I and II of the PAA. The technically complete version of the current PAA includes adequate information and documents regarding Site Development Plan and Site Operating Plan in Parts III and IV of the PAA. The Executive Director determined that the proposed plans complied with the requirements of the TCEQ's rules.

Comment 91: Buffer Zone

Robin Schneider comments that no perimeter boundary cross Sections are included to show the width of the buffer zone separating waste processing and disposal activities from surrounding properties and easements, as well as the location for the proposed landfill entrance.

Response 91:

Section 330.121 of the TCEQ's MSW rules require that a minimum separating distance of 50 feet be maintained between solid waste processing and disposal activities and the boundary of the site, unless otherwise authorized by the Executive Director, and that the buffer zone not be narrower than necessary to provide for safe passage for firefighting and other emergency vehicles. According to the application, the Applicant proposes to maintain a 50-foot buffer zone around the existing facility and a wider buffer zone around the expansion areas to comply with the new MSW rules (March 2006).

The Applicant provides adequate information and documents regarding the

proposed site cross Sections as required by the rule in Attachment 2 of Part III of the PAA. The Executive Director has determined that the proposed buffer zone meets the regulatory requirements.

Comment 92: Cross Sections

Robin Schneider comments that there are no landfill design cross Sections to show the depth, height and shape of the landfill in relation to the existing contour of the land.

Response 92:

A permit application for a municipal solid waste landfill must comply with all applicable requirements of the TSWDA, the TCEQ's consolidated permit rules in Chapter 305 and the TCEQ's MSW rules in Chapter 330. The Applicant provides adequate information and documents regarding the proposed site cross Sections as required by the rules in Attachment 2 of Part III of the PAA. The Executive Director has determined that the application complies with all applicable requirements.

Comment 93: Sequence of Landfill

Robin Schneider comments that the sequence of landfill cell and facility site development is not clear to determine when different portions of the facilities will be constructed near neighboring properties and surface waster runoff features.

Response 93:

Section 330.56(a)(1) of the TCEQ's MSW rules requires the Applicant to include the basic element of the site development plan consisting of a site layout plan on a constructed map showing the outline of the units and fill sectors with appropriate notations thereon to communicate the types of wastes to be disposed of in individual sectors, the general sequence of filling operations, locations of all interior site roadways to provide access to all fill areas, locations of monitor wells, dimensions of trenches, locations of buildings, and any other graphic representations or marginal explanatory notes necessary to communicate the proposed step-by-step construction of the site. The layout should include: fencing; sequence of excavations, filling, maximum waste elevations and final cover; provisions for the maintenance of natural windbreaks, such as greenbelts, where they will improve the appearance and operation of the site; and, where appropriate, plans for screening the site from public view.

The Applicant has provided adequate information regarding the landfill cell construction sequence as presented in Attachment 1 of Part III of the PAA. The Executive Director has determined that the application complies with all applicable requirements.

Comment 94: Waste Footprint

Robin Schneider comments that a drawing depicting the proposed size and shape of the landfill footprint is not included (i.e., height, depth, and shape.)

Response 94:

The Applicant has provided adequate information regarding drawings depicting the proposed landfill size and shape as presented in various portions in all Parts of the PAA. The Executive Director has determined that the application complies with all applicable requirements.

Comment 95: Waste Acceptance Rate

Robin Schneider comments that the proposed landfill solid waste disposal capacity and the anticipated rate of filling that capacity, as well as an estimate of the anticipated number of years to complete the construction of the landfill and the anticipated traffic impacts are not included in the PAA.

Response 95:

The Executive Director has determined that the application complies with all applicable requirements. The Applicant has provided adequate information regarding fill-rate, landfill capacity, site life, and anticipated traffic impacts as presented in Appendix A of Part III and Section 3.2 of Part I/II of the PAA.

Comment 96: Soil Boring Plan

Robin Schneider comments that a soil boring plan and results to determine soils, groundwater and geological fault status are not included in the PAA.

Response 96:

The soil boring plan is in fact included in the Geology Report, Attachment 4 of Part III of the application, which was prepared by Ms. Karen Gallup, P.G. Ms. Gallup has signed and sealed the document, asserting that its contents are true and correct.

The Executive Director has determined that the application complies with all applicable requirements.

Comment 97: Access Road & Dust Control

Robin Schneider comments that the PAA does not state the location of onsite roads, how they will be surfaced and how dust will be controlled from offsite migration.

Response 97:

Section 330.56(a)(1) of the TCEQ's MSW rules requires all-weather roads must be provided from the facility to access public roads and within the facility to the unloading area(s) designated for wet-weather operation. Tracked mud and associated debris at the access to the facility on the public roadway must be removed at least once per day on days when mud and associated debris are being tracked onto the public roadway. The methods for controlling mud and associated debris tracked onto public roadways must be specified in the site operating plan. Dust from on-site and other access roadways must not become a nuisance to surrounding areas. A water source and necessary equipment or other means of dust control approved by the Executive Director must be provided.

The Applicant has provided adequate information regarding onsite roads materials and dust controls as presented in Section 4.16 of Part IV (SOP) of the PAA. The Executive Director has determined that the application complies with all applicable requirements.

Comment 98:

Robin Schneider comments that the PAA does not include the facility's buffer zone, landscaping, methane gas flare, and site screening plan, to show how the site will look as it is developed and how it will be screened during site development and during the 30 year post closure period.

Response 98:

Please refer to Responses 73 and 91. The Applicant has provided adequate information regarding the buffer zone, site development, and screening. The information may be found in Part IV of the PAA. The Executive Director has determined that the application complies with all applicable requirements.

Comment 99: Wells

Robin Schneider comments that there is no map of the nearby location of abandoned oil wells and water wells.

Response 99:

According to Section 305.45(a)(6)(A) of the TCEQ's rules, MSW permit applications must include a map that identifies each well and spring within one mile of the proposed permit boundary. The Applicant provided a topographic map in the application that identified water wells within 1 mile of the proposed permit boundary.

The Applicant has included the results of the water well and oil and gas well inventories on Figures I/II-3 I/II-6 in Parts I/II of the PAA. The Applicant has

represented that 3 located water wells were found through state records, and that there are 18 water wells identified through field survey. The Executive Director has determined that the application complies with all applicable requirements.

Comment 100: Composting

Robin Schneider comments that the PAA does not address whether brush grinding, composting and/or recycling operations will be included on the site; the odor and dust control measures for the compost operation and their location and site screening from surrounding properties. Angela Hampton comments that fifty percent of what we put in the landfill is recyclable. Mahlon Arnett comments that the landfill isn't doing the kind of decomposition and mulching practices that other landfills are doing. TJFA, LP comment that the Applicant makes no commitment to implement or maintain any waste reduction program.

Response 100:

The TCEQ encourages source reduction, reuse, and recycling in many ways, such as the Texas Recycling Program and Urban Recycling Events held throughout the state. Additionally, TCEQ rules provide incentives for facilities to recycle, but recycling is discretionary and is not a mandatory requirement for a landfill permit.

Comment 101:

Robin Schneider comments that the proposed permit is inadequate because the permit conditions are vague and unenforceable; and the land use compatibility representation in the PAA would be vague and unenforceable, if incorporated into the permit as proposed.

Response 101:

The Executive Director has determined that the permit application complies with the requirements for solid waste landfill facilities seeking a permit amendment. The Executive Director considers the terms of the draft permit, which are similar to the other MSW permits issued by the TCEQ, to be enforceable.

Comment 102: Site Operating Records

Robin Schneider and TLFA, LP comment that the PAA does not adequately describe where the site operating record will be kept.

Response 102:

According to Section 330.113 of the TCEQ's rules, a copy of the permit, the approved site development plan, the site operating plan, the final closure plan, the post-closure maintenance plan, the landfill gas management plan, and any other required plan

or other related document shall be maintained at the municipal solid waste facility, or an alternate location approved by the Executive Director. This requirement shall be considered a part of the operating record for the facility.

The Applicant has provided adequate information for technical review process regarding location of the site operating record. The site operating record along with all required information will be kept onsite as describe in Part IV (SOP) of the PAA.

Comment 103: Pre-Operation Notice

Robin Schneider comments that the PAA does not adequately address Pre-operation notices of the reports required in Section 330.206.

Response 103:

According to Section 330.112 of the TCEQ's rules, the owner or operator shall provide written notice in the form of a soils and liner evaluation report as described in Section 330.206 of this title (relating to Soils and Liner Evaluation Report (SLER) and Flexible Membrane Liner Evaluation Report (FMLER)) of the final construction and lining of a new disposal area (sector) to the Executive Director for review 14 days prior to the placement of waste.

The PAA is to amend the existing permit and the facility is currently operating. Adequate information regarding pre-operation notice is provided in Section 1.1 of Part IV of the PAA.

Comment 104: Recordkeeping

Robin Schneider and TJFA, LP comment that the PAA does not adequately address all the records that are required to be kept.

Response 104:

Please refer to Response 102. The Applicant has provided adequate information for the technical review process regarding recordkeeping requirements as presented in Section 1.2 of Part IV (SOP) of the PAA. The Executive Director determined that the information submitted complies with the requirements of the TCEQ's rules.

Comment 105: Equipment List

Robin Schneider and TJFA LP comment that there is no information on every piece of equipment that will be used.

Response 105:

Under Section 330.114(2) of the Commission's rules, the Applicant must provide in the PAA a description, including the minimum number, size, type, and function, of the equipment to be utilized at the facility based on the estimated waste acceptance rate and other operational requirements, and a description of the provisions for back-up equipment during periods of breakdown or maintenance of this listed equipment.

The Applicant has provided adequate information for technical review process regarding description of equipment to be used in landfill operations as presented in Section 3.0 of Part IV (SOP) of the PAA.

Comment 106: Solidification Basin

Robin Schneider comments that there is no information on whether liquids solidification will be done on the site, where it will be located, how it will operate, and how odor and storm water runoff from such a facility will be controlled.

Response 106:

Under Section 330.136(b)(7) of the Commission's rules, sludge, grease trap waste, grit trap waste, or liquid wastes from municipal sources can be accepted at a Type I municipal solid waste landfill for disposal only if the material has been, or is to be, treated or processed and the treated/processed material has been tested, in accordance with Test Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication Number SW-846), as amended, and is certified to contain no free liquids. Prior to treatment or processing of this waste at the landfill, the owner or operator shall submit written notification to the Executive Director of the liquids processing activity as required in Section 330.8 of this title.

The Applicant has provided adequate information for technical review process regarding liquid solidification facility and stormwater run-off management as presented in Section 4.24 of Part IV (SOP) of the PAA.

Comment 107: Hazardous Waste

Robin Schneider comments that there is no detailed description on how hazardous wastes will be kept out of the landfill.

Response 107:

TCEQ rules prohibit regulated hazardous waste from being accepted at a municipal solid waste facility. Hazardous waste that is generated by a household or that is generated by a conditionally exempt small-quantity generator is not considered a "regulated hazardous waste." In other words, the proposed landfill may not receive

hazardous waste from a person who generates greater than 100 kilograms of hazardous waste in a calendar month from a municipal source.

The Applicant has provided adequate information for technical review process regarding prohibited and hazardous waste prevention and screening as presented in Section 4.2 of Part IV (SOP) of the PAA.

Comment 108: Fire Control

Robin Schneider comments that this application does not adequately address fire control and emergency response plans, including a failure to address the quantity of earthen material and other fire protection techniques.

Response 108:

Under Section 330.115 of the Commission's rules, the owner or operator shall maintain a source of earthen material in such a manner that it is available at all times to extinguish any fires. The source must be sized to cover any waste received for disposal not covered with six inches of earthen material. Sufficient on-site equipment must be provided to place a six-inch layer of earthen material to cover any waste not already covered with six inches of earthen material within one hour of detecting a fire. The site operating plan must contain calculations demonstrating the adequacy of the earthen material. The SOP must contain a fire protection and emergency plan that identifies the fire protection standards to be used at the facility and how personnel are trained. The operator must initiate procedures in accordance with the fire protection plan upon detection of a fire. For any municipal solid waste activity on a landfill that stores or processes combustible materials, such as solidification basins, brush collection areas, construction waste and demolition waste areas, composting areas, mulching areas, shredding areas, and used oil storage areas, the site operating plan must address fire protection measures specific to each individual activity. If an emergency situation arises when a fire occurs that is not extinguished within ten minutes of detection, the commission's regional office must be contacted immediately after detection, but no later than four hours by telephone, and in writing within 14 days with a description of the fire and the resulting response.

The Applicant has provided adequate information for the technical review process regarding fire control and emergency response plan as presented in Section 4.4 of Part IV (SOP) of the PAA. The Executive Director has determined that the application complies with all applicable requirements.

Comment 109: Access Control

Robin Schneider comments that the PAA does not adequately address access control including lack of a description of how the surrounding fence will be monitored.

Response 109:

Under Section 330.116 of the Commission's rules, public access to all municipal solid waste facilities must be controlled by means of artificial barriers, natural barriers, or a combination of both, appropriate to protect human health and safety and the environment. Uncontrolled access to other operations located at a municipal solid waste facility must be prevented. The provisions for access control must be specified in the SOP. The preferred method of landfill access control is fences and gates. Regardless of the access control method, the site operating plan must include an inspection and maintenance schedule, notification to the commission's regional office of a breach, provisions for temporary and permanent repairs, and notification to the commission's regional office when a permanent access control breach repair is completed.

The Applicant has provided adequate information for technical review process regarding access control and perimeter fence inspection as presented in Section 4.5 of Part IV (SOP) of the PAA. The Executive Director has determined that the application complies with all applicable requirements.

Comment 110: Unloading of Waste

Robin Schneider comments that this application does not adequately address the unloading of waste including failure to describe how the working face will be measured, identified, etc.

Response 110:

Under Section 330.117 of the Commission's rules, the provisions for unloading waste procedures must be specified in the SOP.

The Applicant has provided adequate information for technical review process regarding process of unloading waste as presented in Section 4.7 of Part IV (SOP) of the PAA. The Executive Director has determined that the application complies with all applicable requirements.

Comment 111: Hours of Operation

Robin Schneider comments that the PAA does not adequately address the hours of operation of the facility because it says 24 hours a day, seven days a week and then refers to some unidentified period as "After Hours."

Response 111:

The Applicant has provided adequate information for technical review process regarding actual operating hours. The PAA proposes to operate 24 hours per day, 7 days per week. The reference to "After Hours" is no longer included in the technically complete version of the SOP of the PAA.

Comment 112: Site Sign

Robin Schneider comments that the PAA does not adequately address the site sign because it does not include all prohibited wastes, e.g. used oil, etc.

Response 112:

Under Section 330.119 of the Commission's rules, each facility must conspicuously display at all entrances through which wastes are received, a sign measuring at least four feet by four feet with letters at least three inches in height stating the type of site, the hours and days of operation, an emergency 24-hour contact phone number(s) that reaches an individual with the authority to obligate the facility at all times that the facility is closed, the local emergency fire department phone number, and the permit number or facility number. The facility sign must be readable from the facility entrance. The posting of erroneous or misleading information constitutes a violation of this Section.

The Applicant has provided adequate information for technical review process regarding site sign requirements including a sign prohibiting receipt of hazardous waste as presented in Section 4.8 of Part IV (SOP) of the PAA.

Comment 113: Windblown Litter Control

Robin Schneider comments that the PAA does not adequately address windblown litter control because it does not explain how the wind blown debris will be collected, when, and by whom.

Response 113:

An owner or operator is responsible for controlling windblown waste from the facility. The application addressed this issue in Section 4.9 of the Site Operating Plan, Part IV of the application. The TCEQ's rules at Section 330.155 state that if a facility is not completely enclosed, the owner or operator will provide a wire or other type of fence or screen when necessary to minimize windblown materials. In addition, litter or windblown material resulting from operations must be collected and returned to the processing area at least twice per week to minimize unsightly conditions and fire hazards.

Comment 114: Buffer Zone

Robin Schneider comments that the PAA does not adequately address buffer zones including a description of how emergency vehicles may conduct safe passage in the buffer zone.

Response 114:

Section 330.121 of the TCEQ's MSW rules require that a minimum separating distance of 50 feet be maintained between solid waste processing and disposal activities and the boundary of the site, unless otherwise authorized by the Executive Director, and that the buffer zone not be narrower than necessary to provide for safe passage for firefighting and other emergency vehicles. The Applicant has provided adequate information for technical review process regarding buffer zone as presented in Section 4.10 of Part IV (SOP) of the PAA. The Executive Director has determined that the proposed buffer zone meets the regulatory requirements.

Comment 115: Site Markers

Robin Schneider comments that the PAA does not adequately address landfill markers because it does not describe how the markers will be monitored and maintained.

Response 115:

Section 330.122 of the TCEQ's MSW rules require that all required landfill markers and the benchmark must be maintained so that they are visible during operating hours. Markers that are removed or destroyed must be replaced within 15 days of the removal or destruction. All markers must be maintained to retain visibility. Landfill markers must be inspected on a monthly basis to ensure that they are installed and maintained in compliance with the site operating plan. Records of all inspections must be maintained at the facility. Landfill markers must be repaired or replaced within 15 days of discovering a marker does not meet regulatory requirements.

The Applicant has provided adequate information for technical review process regarding landfill markers as presented in Section 4.11 of Part IV (SOP) of the PAA. The Executive Director has determined that the application complies with all applicable requirements.

Comment 116: Materials Spilled Along the Route

Robin Schneider comments that the PAA does not adequately address the cleanup of waste materials spilled in the right of way because it does not say how many employees will be used, how they will identify spilled materials, etc.

Response 116:

Section 330.123 of the TCEQ's MSW rules require that the facility owner or operator shall take steps to encourage that vehicles hauling waste to the facility are enclosed or provided with a tarpaulin, net, or other means to effectively secure the load in order to prevent the escape of any part of the load by blowing or spilling. The owner or operator shall take actions such as posting signs, reporting offenders to proper law enforcement officers, adding surcharges, or similar measures. On days when the facility

is in operation, the owner or operator shall be responsible for at least once per day cleanup of waste materials spilled along and within the right-of way of public access roads serving the facility for a distance of two miles in either direction from any entrances used for the delivery of waste to the facility. The facility operator shall consult with the Texas Department of Transportation, county, and/or local governments with maintenance authority over the roads concerning cleanup of public access roads and right-of-ways. An alternate clean-up frequency and distance may be approved in the site operating plan.

The Applicant has provided adequate information for technical review process regarding cleanup along access roads requirements as presented in Section 4.12 of Part IV (SOP) of the PAA. The Executive Director has determined that the application complies with all applicable requirements.

Comment 117: Mud Control

Robin Schneider comments that the PAA does not adequately address the control of mud on the road because there is no description of how mud will be removed from trucks before exiting the landfill.

Response 117:

Section 330.127 of the TCEQ's MSW rules require that tracked mud and associated debris at the access to the facility on the public roadway must be removed at least once per day on days when mud and associated debris are being tracked onto the public roadway. The methods for controlling mud and associated debris tracked onto public roadways must be specified in the site operating plan

The Applicant has provided adequate information for technical review process regarding mud control and cleanup on roadways as presented in Section 4.16 of Part IV (SOP) of the PAA. The Executive Director has determined that the application complies with all applicable requirements.

Comment 118: Salvaging

Robin Schneider comments that the PAA does not adequately address salvaging because there is no description of how salvaging will not interfere with the prompt sanitary disposal of waste.

Response 118:

Section 330.127 of the TCEQ's MSW rules require that salvaging must not be allowed to interfere with prompt sanitary disposal of solid waste or to create public health nuisances. Salvaged materials may be considered as potential recycled materials. The owner or operator shall remove the salvaged items from the facility often enough to prevent the items from becoming a nuisance, to preclude the discharge of any pollutants

from the area, and to prevent an excessive accumulation of the material at the facility. Class 1 industrial and other special wastes received at the disposal facility must not be salvaged. Pesticide, fungicide, rodenticide, and herbicide containers must not be salvaged unless being salvaged through a state-supported recycling program. Scavenging must not be allowed.

The Applicant has provided adequate information for technical review process regarding salvaging prevention requirements as presented in Section 4.17 of Part IV (SOP) of the PAA. No scavenging will be allowed. Salvaging will be allowed with specific authorization from the landfill manager and the activity will be supervised by the landfill personnel to ensure proper handling. However, salvaging shall not be allowed to interfere with prompt sanitary disposal or to create public health nuisances.

Comment 119: Landfill Gas

Robin Schneider comments that the PAA does not adequately address landfill gas control including no description of how landfill gas will actually be monitored and measured.

Response 119:

Section 330.130 of the TCEQ's MSW rules require that all landfill gases must be monitored in accordance with a landfill gas management plan in accordance with Section 330.56(n) (relating to Attachments to the Site Development Plan). The required reports and other submittals must be included in the operating record of the facility and submitted to the Executive Director.

The Applicant has provided adequate information for technical review process regarding landfill gas collection, management, and monitoring system and report requirements as presented in Section 4.19 of Part IV (SOP) of the PAA. The Executive Director has determined that the application complies with all applicable requirements.

Comment 120: Compaction

Robin Schneider comments that the PAA does not adequately address compaction, including no description of how they will verify the compaction equipment will actually come in contact with the waste.

Response 120:

Section 330.132 of the TCEQ's MSW rules require that solid waste must be spread and compacted by repeated passages of compaction equipment such that each layer of solid waste is thoroughly compacted. The methods for compaction must be specified in the site operating plan.

The Applicant has provided adequate information for technical review process

regarding waste compaction requirements as presented in Section 4.21 of Part IV (SOP) of the PAA. The Executive Director has determined that the application complies with all applicable requirements.

Comment 121: Erosion Control

Robin Schneider comments that the PAA does not adequately address landfill cover because it does not put any time limits on repairing ruts caused by erosion.

Response 121:

Section 330.133 of the TCEQ's MSW rules require that the landfill cover must be graded to prevent ponding of water, and plant growth or other erosion control features must be maintained. Erosion of final or intermediate cover must be repaired within five days of detection by restoring the cover material, grading, compacting, and seeding unless the commission's regional office approves otherwise, based on the extent of the damage requiring more time to repair or the repairs are delayed because of weather conditions. The date of detection of erosion and date of completion of repairs, including reasons for any delays, must be documented in the cover inspection record required by the rule. The site operating plan must establish a frequency, and identify other occasions, for conducting inspections of the final and intermediate covers to detect the need for repairs. The periodic inspections and restorations are required during the entire operational life and for the post-closure maintenance period.

The Applicant has provided adequate information for technical review process regarding erosion prevention and maintenance requirements as presented in Section 4.22 of Part IV (SOP) of the PAA. The Executive Director has determined that the application complies with all applicable requirements.

Comment 122: Ponded Water

Robin Schneider comments that the PAA does not adequately address ponded water because there is no time limit established for removing the ponded water when it occurs.

Response 122:

Section 330.134 of the TCEQ's MSW rules require that the ponding of water over waste on a landfill, regardless of its origin, must be prevented. Ponded water that occurs in the active portion of a landfill or on a closed landfill must be eliminated and the area in which the ponding occurred must be filled in and regraded within seven days of the occurrence. A ponding prevention plan must be provided in the site operating plan that identifies techniques to be used at the landfill to prevent the ponding of water over waste, an inspection schedule to identify potential ponding sites, corrective actions to remove ponded water, and general instructions to manage water that has been in contact with

waste.

The Applicant has provided adequate information for technical review process regarding pond water prevention, inspection, maintenance, and recordkeeping requirements as presented in Section 4.23 of Part IV (SOP) of the PAA. The Executive Director has determined that the application complies with all applicable requirements.

Comment 123: Asbestos

Robin Schneider comments that the PAA does not adequately address the disposal of asbestos because it does not say where or how it will be disposed in the landfill or how the asbestos area will be identified.

Response 123:

Section 330.136(b)(3) of the TCEQ's MSW rules require that to receive authorization to accept regulated asbestos containing material (RACM), the owner or operator shall dedicate a specific area or areas of the landfill, the area designated to receive the RACM must be surveyed and marked by a registered professional land surveyor. Delivery of the RACM to the MSWLF unit must be coordinated with the on-site supervisor so the waste will arrive at a time it can be properly handled and covered. The bags or containers holding the RACM must be placed below natural grade level. Where this is not possible or practical, provisions must be made to ensure that the waste will not be subject to future exposure through erosion or weathering of the intermediate and/or final cover. RACM which is placed above natural grade must be located in the MSWLF unit such that it is, at closure of the MSWLF unit, not less than 20 feet from any final side slope of the unit and must be at least ten feet below the final surface of the unit.

The Applicant has provided adequate information for technical review process regarding asbestos acceptance plan requirements as presented in Section 4.24 and Appendix B of Part IV (SOP) of the PAA. The Executive Director has determined that the application complies with all applicable requirements.

Comment 124: Screening

Robin Schneider comments that the PAA does not adequately address the requirements for visual screening because it does not say what or how much screening will be used such as berms, fencing, trees, etc.

Response 124:

Section 330.138 of the TCEQ's MSW rules require that visual screening of deposited waste materials at a municipal solid waste facility must be provided by the owner or operator for the facility where the executive director determines that screening is necessary or where permit or design requirements so dictate.

The TCEQ's MSW rules require screening of the deposited waste, in the active operating area (unloading area). Section 4.26 of the SOP (Part IV of the PAA) indicates that the natural vegetation, vegetated soil berms, and vegetated berms constructed of compost or mulch will be utilized as visual screening of the waste deposited area.

Comment 125: Self Policing

Mahlon Arnett comments that self policing doesn't work very well.

Response 125:

The TCEQ Regional Office inspects the landfill on an annual basis. However, because the TCEQ cannot constantly monitor each regulated facility, the agency encourages citizens to report any observed violations at a facility to the Regional Office. Complaints regarding the facility may be made by contacting the Austin Regional Office, at 512-339-2929, or the toll-free Environmental Violation Hotline at 1-888-777-3186. Complaints may also be made through the Commission's Web site by following the menu for "Reporting" and "Reporting Environmental Problems to TCEQ" at <http://www.tceq.state.tx.us>. If the facility violates a term of the permit or the TCEQ's regulations, the permittee will be subject to an enforcement action.

Comment 126: Inefficient Operation Management

Mahlon Arnett comments that he has no confidence that the landfill is following the more serious rules if it isn't following the simple ones.

Response 126:

Owners and operators of MSW facilities are required to comply with the terms of the permit and with the requirements of the Commission's MSW rules. If the TCEQ determines that a violation of the permit or the regulations has occurred, the permittee will be subject to an enforcement action.

Comment 127: Waste Origin Tracking

Mahlon Arnett comments that the county says it doesn't have a way to track what is being taken to the landfill, but it should be able to track what is being taken to the landfill by commercial vehicles through the use of weigh stations and other means.

Response 127:

Section 330.112(b)(10) of the TCEQ's MSW rules require permittees to record and retain in the operating record any and all documents, manifests, trip tickets, etc., involving special waste. The TCEQ's MSW rules do not require waste origin record tracking for normal authorized MSW waste type.

The Applicant has provided adequate information for technical review process regarding waste tracking record requirements as presented in Section 1.2 of Part IV (SOP) of the PAA. Authorized wastes for disposal at the site are listed in the permit.

Comment 128:

Mahlon Arnett comments that Waste Management is reluctantly making a few changes for cosmetic purposes to satisfy Commissioner Limmer and the Hutto Committee.

Response 128:

The Executive Director's role is to review applications to determine if they comply with all applicable regulatory requirements. The Executive Director's review does not consider the Applicant's motive for making a change to the facility.

Comment 129: Landfill Height

Mahlon Arnett comments that based on the size of the County's property, the landfill could reach a height of 800 feet using a 5-to-1 ratio, and up to 400 feet using half of the County's property. He states that this could become a very dangerous situation with the kind of rains they have periodically.

Response 129:

The permit application proposes to increase the landfill height to approximately 116 above the natural ground elevation based on the site benchmark. The site benchmark is at 724 feet msl (above mean sea level) and the peak elevation of the proposed landfill is at 840 feet msl. TCEQ rules allow a permitted landfill to request authorization to expand. However, expanding a landfill beyond its currently permitted boundary, either vertically (more than 10 feet) or horizontally, requires a major amendment to the permit. Any future major amendment applications for the Williamson County landfill will include public notice, a comment period, and an opportunity to request a contested-case hearing on the application.

Comment 130: Contaminated Runoff

Mahlon Arnett comments that water sits on County Road 130 that has oils and other things in it that have to be coming not only off the road but also off the landfill.

Response 130:

The Applicant has provided adequate information for technical review process regarding contaminated water management plan requirements as presented in Attachments 6 and 15 of Part III of the PAA. However, any concerns about possible

environmental violations at the landfill should be reported to the Austin Regional Office at 512-339-2929, or the toll-free Environmental Violation Hotline at 1-888-777-3186.

Comment 131: Illegal Dumping

Mahlon Arnett comments that there is a tremendous amount of trash along the northwest side of the landfill. Ben and Bonnie Billing comment that trash is often dumped and remains for days at the back entrance of the landfill.

Response 131:

Illegal dumping is a violation of state law. Any person who witnesses illegal dumping should call the TCEQ's Regional office in Austin at 512-339-2929, or the toll-free Environmental Violation Hotline at 1-888-777-3186. Under the requirements of Section 330.123 of the TCEQ's MSW rules, the operator of a landfill facility is responsible for the cleanup of waste materials spilled along and within the right-of-way of public access roads serving the site for a distance of two miles in either direction from any entrance used for the delivery of waste to the site. However, the operator is not responsible for illegal dumping that occurs outside the proposed permit boundary.

Comment 132:

Mahlon Arnett comments that large trash barrels on the landfill site, which have not moved in 2 or 3 years, should be removed because they have become places for vermin to propagate.

Response 132:

The existing landfill has been inspected annually by TCEQ's regional office. Any concern regarding the large trash barrels should be noted in the annual inspection report but compliance history of the site revealed nothing regarding the large trash barrels.

Comment 133: Poor Management

Mahlon Arnett comments that there has been poor management, a lack of oversight by the county and the state, and a company that has consistently sought to cut every corner it could without being held accountable.

Response 133:

Owners and operators of MSW facilities are required to comply with the terms of the permit and with the requirements of the Commission's MSW rules. Any person who witnesses a violation should call the TCEQ's Regional office in Austin at 512-339-2929, or the toll-free Environmental Violation Hotline at 1-888-777-3186. If the TCEQ determines that a violation of the permit or the regulations has occurred, the permittee will be subject to an enforcement action.

Comment 134: Activities Outside Operating Hours

Mahlon Arnett comments that trucks have been at the facility late at night when there shouldn't be any.

Response 134:

Owners and operators of MSW facilities are required to comply with the terms of the permit and with the requirements of the Commission's MSW rules. Any person who witnesses a violation of the current terms of the facility's permit should call the TCEQ's Regional office in Austin at 512-339-2929, or the toll-free Environmental Violation Hotline at 1-888-777-3186.

Comment 135:

Mahlon Arnett comments that fees are being collected for oversight, so he would like to see more people at the site more often.

Response 135:

The TCEQ Regional Office inspects the landfill on an annual basis. However, because the TCEQ cannot constantly monitor each regulated facility, the agency encourages citizens to report any observed violations at a facility to the Regional Office. Complaints regarding the facility may be made by contacting the Austin Regional Office, at 512-339-2929, or the toll-free Environmental Violation Hotline at 1-888-777-3186. Complaints may also be made through the Commission's Web site by following the menu for "Reporting" and "Reporting Environmental Problems to TCEQ" at <http://www.tceq.state.tx.us>. If the facility violates a term of the permit or the TCEQ's regulations, the permittee will be subject to an enforcement action.

Comment 136: Better Landfill Operator

Mahon Arnett comments that they needed an operator there who follows the laws.

Response: 136:

Owners and operators of MSW facilities are required to comply with the terms of the permit and with the requirements of the Commission's MSW rules. If the TCEQ determines that a violation of the permit or the regulations has occurred, the permittee will be subject to an enforcement action.

Comment 137: More Public Involvement

Susan McAtee comments that she would like to see more of a sense of community

in the agencies involved.

Response 137:

The Executive Director encourages cooperation among all interested parties involved in the permitting decision.

Comment 138: Expansion versus Recycling

Robbi Arnett asks why we are expanding the landfill rather than fixing the problem.

Response 138:

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider the need for an MSW facility when determining whether to approve or deny a permit application.

Comment 139: Better Deadlines for Health Issue

Robbi Arnett comments that it was unreasonable not to have better deadlines when dealing with a health issue.

Response 139:

The Executive Director is unsure what deadlines the commenter is referring to. If the comment is directed toward the deadlines in the permitting process, the Executive Director endeavors to process all application in a timely and efficient manner.

Comment 140: Cost of Application

Angela Hampton asks how much this was going to cost and who would pay for it.

Response 140:

The Executive Director does not know the cost of the proposed landfill expansion. This information is neither required by the application nor considered by the Executive Director during the permit review process.

Comment 141: Landfill Expansion not a Solution

Angela Hampton asks why the county was doing a landfill when it's not a solution, it is just delaying the problem for future generations.

Response 141:

The Executive Director cannot respond on behalf of the County.

Comment 142: Property Values

Rosa Perez comments that she is concerned about selling her house as the landfill gets worse. Ben and Bonnie Billing comment that landfill expansion will have serious negative effects on any future development and on property values of those already in the Hutto area.

Response 142:

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider property values when determining whether to approve or deny a permit application. The Executive Director's review of a permit application considers whether the proposed facility meets the requirements of Chapter 330 of the Commission's rules.

Comment 143: Landfill Height

Rhonda Stanton comments that she is concerned about the height of the proposed landfill because the Hutto area is very flat and the landfill is currently visible from eight to ten miles away. She is concerned that the proposed height will adversely affect her property value and will limit her ability to enjoy her property.

Response 143:

The Executive Director is required by the Texas Solid Waste Disposal Act (TSWDA) to insure that the proposed landfill is designed in an environmentally protective manner and in accordance with accepted engineering practices. The Executive Director has no specific authority under the TSWDA to limit the height of a landfill.

Comment 144: Impact on Water Wells

Rhonda Stanton comments that she is concerned about the proximity of the expansion to the wells that provide service to Jonah water.

Response 144:

The Municipal Solid Waste Regulations do not restrict landfill expansions due to the proximity of water wells. TCEQ does, however, require that water sources be protected. Specific measures needed to protect water sources are included in Parts III and IV of the application. In regards to groundwater, 30 TAC Chapter 330 Subchapter H contains design criteria aimed at the protection of groundwater. Surface drainage management will be designed and constructed in and around the site to control and

minimize erosion, surface water running onto, into, and off the treatment area in accordance with Section 330.55(b)(1) - (8) and Section 330.56(f).

Comment 145: Impact to Community

Rhonda Stanton comments that the area between Hutto and the San Gabriel river is very beautiful, but the proposed expansion will affect this area by turning it into an industrial area like Del Valle. Ben and Bonnie Billing comment that the proposed expansion will subject the entire area to severe financial consequences by severely impacting development of residential and commercial properties north of Hutto.

Response 145:

The Commission's MSW regulations at Section 330.53(b)(8) require that the Commission consider the impact of a site upon a city, community, group of property owners, or individuals in terms of compatibility of land use, zoning, community growth patterns, and other factors associated with the public interest. To assist the Commission's consideration of these issues, the Applicant is required to include a description of the land use within one mile of the proposed facility and the growth trend and direction of major development for the nearest community. The Executive Director has determined that the required information concerning surrounding land uses was submitted in the application. The Applicant has provided adequate information for technical review process regarding landfill design and operation to minimize impact to environmental as presented in the SOP of the PAA.

Comment 146: Alternate Daily Cover

Rhonda Stanton comments that the trash is not being covered by soil on a daily basis.

Response 146:

Section 330.133(c) of the TCEQ's MSW rules require that alternative material daily cover (ADC) may be allowed by a temporary authorization under Section 305.70(m) of this title (relating to MSW Permit and Registration Modifications) followed by a permit amendment or a modification in accordance with Section 305.70(k)(1) of this title. Use of ADC is limited to a 24-hour period after which either waste or soil must be placed.

The existing landfill permit is approved to use various types of ADC including tarps and spray types. The proposed PAA will continue to use the same ADC on a temporary basis during the ADC performance re-evaluation required period. This information may be found in Section 4.22 of Part IV of the PAA.

Comment 147: Detention Pond Sizing

Lance Crawford comments that he is concerned about the retention ponds and their volumes.

Response 147:

Section 330.56(f)(4)(A)(iii) of the TCEQ's MSW rules require that hydraulic calculations and designs for sizing the necessary collection, drainage, and/or detention facilities shall be provided.

The Applicant has provided adequate information regarding stormwater analysis and detention pond size to ensure that the existing drainage patterns will not be altered significantly as presented in Attachment 6 of Part III of the PAA. The Executive Director determined that the information submitted complies with the TCEQ's rules.

Comment 148: Deposited Waste Screening

Evelyn Evans comments that the county's plan to use natural vegetation as a screen will not screen the area from public view.

Response 148:

The MSW rules require screening of the deposited waste in the active operating area (unloading area). There is no requirement that the entire facility be screened from view. Section 4.26 of the SOP (Part IV of the PAA) indicates that the natural vegetation, vegetated soil berms, and vegetated berms constructed of compost or mulch will be utilized as visual screening of the waste deposited area.

Comment 149:

Evelyn Evans comments that the citizens have grown weary of methane gas concentrations above normal levels and groundwater exceedences. She requests that the TCEQ and the county set deadlines for completing projects such as gas capturing, erosion control, screening of the landfill.

Response 149:

Sections 330.56(e), (f), (k), and (n) of the TCEQ's MSW rules require that groundwater monitoring plan, landfill gas monitoring and management plan and erosion control plans be provided in the PAA. Please refer to Responses 124 and 148 for deposited waste screening.

The Applicant has provided adequate information regarding groundwater (Attachments 4, 5, & 11 of Part III of the PAA) and gas monitoring and management plan (Attachment 14 of Part III of the PAA), stormwater erosion control (Attachment 6 of Part

III of the PAA) and the landfill screening (Section 4.26 of Part IV of the PAA).

Comment 150: 24/7 Hours of Operation

Dr. Evans comments that the Executive Director has not given adequate consideration to the nature of the community where the landfill is located by approving the proposed operating hours which expand operation to 24 hours a day, seven days a week.

Response 150:

The TCEQ's MSW rules at Section 330.5 require that the proposed facility be operated in a way that prevents the occurrence of nuisance conditions. If the proposed landfill is designed and operated according to the terms and conditions of the draft permit the Executive Director does not expect nuisance conditions to occur.

Comment 151: Waste Volume

Dr. Evans states that the paragraph describing the waste volume available for disposal in the draft permit makes it almost impossible to understand how large the expansion will be. He asks if making it more difficult to know what is being proposed is a new TCEQ strategy.

Response 151:

Paragraph II. E. in the draft permit states that the total waste volume available for disposal under the terms of draft permit is approximately 69 million cubic yards. This amount is calculated by combining the current waste in place, 3.5 million cubic yards, with the additional capacity authorized by the draft permit, 65.5 million cubic yards. The Executive Director attempts to make the terms of draft permits clear and enforceable.

Comment 152: Permit Terms and Grandfathered

Dr. Evans comments that the draft permit should list areas and rules which the permittee is not required to follow because they have been "grandfathered."

Response 152:

The permittee is required to follow all of the terms of the draft permit.

Comment 153: Airport

Dr. Evans comments that the Applicant failed to disclose the presence of a private airport within 1.6 miles of the landfill to the FAA.

Response 153:

The TCEQ's rules require the Applicant to disclose airports within 5000 feet from the landfill in accordance with Section 330.300.

Comment 154: Regional Airport

Dr. Evans comments that Texas Department of Transportation considered building a regional airport in the vicinity but decided against it because of concerns about bird collisions.

Response 154:

The Executive Director has no knowledge of a TxDOT airport. The FAA has been contacted to review the application summary and the FAA has no negative comments or objection to the proposed PAA as presented in the FAA letter, dated 09/02/02.

Comment 155: Airport

Dr. Evans comments that left hand flight departures from runway 17 funnel air traffic near or over the airspace planned for the vertical expansion of the Williamson County Landfill.

Response 155:

The FAA has been contacted to review the application summary and the FAA has no negative comments or objection to the proposed PAA as presented in the FAA letter, dated 09/02/02.

Comment 156: Increased Traffic & Accident

Dr. Evans is concerned about the safety of the children due to the increased traffic that will occur if the landfill is expanded. He states that one child has already been killed by a garbage truck.

Response 156:

TCEQ rules state that "a primary concern is that the use of any land for an MSW site not adversely impact human health or the environment. The impact of the site upon a city, community, group of property owners, or individuals must be considered in terms of compatibility of land use, zoning in the vicinity, community growth patterns, and other factors associated with the public interest." In accordance with this requirement, an applicant must: provide data on the availability and adequacy of roads that the Applicant will use to access the site; provide data on the volume of vehicular traffic on access roads within one mile of the proposed facility, both existing and expected, during the expected

life of the proposed facility; and project the volume of traffic expected to be generated by the facility on the access roads within one mile of the proposed facility. An applicant is also required to submit documentation of coordination with TXDOT for traffic and location restrictions. These rules do not require an applicant to provide information about highway fatalities on nearby roads. TXDOT has reviewed the PAA summary and based on projected waste acceptance rate specified in the PAA, TXDOT did not have any negative comments on the proposed landfill.

Comment 157: Future Generation

Ms. Evans is concerned for the children and the future residents of the next twenty-five to fifty years who live in the community.

Response 157:

The Executive Director has determined that the proposed landfill is designed in compliance with Texas Solid Waste Disposal Act (TSWDA), and with the TCEQ's MSW rules and regulations developed to protect human health and the environment. If the proposed landfill is constructed and operated as shown in the application and as required by the regulations, the Executive Director expects human health and the environment to be protected.

Comment 158: Impact to Environment

Ms. Evelyn Evans asks all concerned to consider those who live near the landfill, those who travel the roads by the landfill, those who breathe the air of the landfill, and drink the water downstream.

Response 158:

The Executive Director has determined that the proposed landfill is designed in compliance with Texas Solid Waste Disposal Act (TSWDA), and with the TCEQ's MSW rules and regulations developed to protect human health and the environment. If the proposed landfill is constructed and operated as shown in the application and as required by the regulations, the Executive Director expects human health and the environment to be protected.

Comment 159: Bad Timing for Expansion

Mr. Arnett states that the landfill is necessary due to the County's rate of growth, but believes that the landfill could better be planned. Mr. Arnett states that the existing facility is sufficient for now, and that the Applicant should use the time to finalize the details of the expansion.

Response 159:

The Executive Director's role is to review permit application to determine if they comply with all applicable statutes and rules. The decision regarding when to file an application is up to the Applicant.

Comment 160: Real Estate Ownership versus Permit Ownership

Mahlon Arnett asks if the TCEQ considers ownership of a permit to be some sort of property interest that is separate from ownership of the underlying real estate?

Response 160:

According to Section 305.122(b) of the TCEQ's rules, a permit does not convey any property rights of any sort.

Comment 161:

Mahlon Arnett asks what governs the nature of the relationship between the real property owner and the permit holder.

Response 161:

Williamson County, the permit holder, owns the property used for the facility.

Comment 162: Breach of Contract

Mahlon Arnett asks what happens if a contract between the property owner and the permit holder is breached? Which party would control the permit?

Response 162:

Williamson County owns the property used for the facility. There is a contract between the County and the operator, Waste Management. However, issues related to a breach of this contract are outside of the TCEQ's jurisdiction.

Comment 163: Responsibility of Owner versus Operator

Mahlon Arnett asks if a facility is managed and run by one entity and the real estate is owned by another, and the contract between the two says the owner of the real estate will have "ultimate control" of the facility, is the real estate owner really the "operator" under the regulations, since the "operator" is "responsible for the overall operation of the facility"?

Response 163:

Williamson County is the permit holder and the Applicant in this proceeding. The county is responsible for complying with the terms and conditions of the permit.

Comment 164: Applicant

TJFA states that various documents submitted to the TCEQ indicate that Williamson County and Waste Management of Texas are “co-applicants,” which appears to be in violation of 30 TAC Section 305.43(b). Mahlon Arnett comments that Waste Management submitted statements which indicated that it was an applicant along with Williamson County on three separate occasions. Ms. Schneider states she is concerned about the legality of the application because she believes the application is “murky”. Ms. Schneider states that it is difficult to tell who owns the application, because the County appears as the Applicant in the beginning of the process, and then Waste Management appears as the Applicant in the middle of the process. Accordingly, Ms Schneider further states that she is concerned about who actually owns the permit.

Response 164:

Williamson County is the permittee and the Applicant in this proceeding. There is no co-applicant. Waste Management is the contracted operator. It is the Executive Director’s understanding that Waste Management assisted the County with the application, which is consistent with the requirements of 30 TAC Section 305.43(b).

Comment 165: Applicant

TJFA asks that the permit application not proceed until it is clear who is the permittee, and requested that the TCEQ fully explain the implications of 30 TAC Section 305.43(b). TJFA asks if the operator controls the permit. Mahlon Arnett requests that the permit be pulled down and the contract declared to be breached.

Response 165:

Williamson County is the permittee and the Applicant in this proceeding. There is no co-applicant. Waste Management is the contracted operator. It is the Executive Director’s understanding that Waste Management assisted the County with the application, which is consistent with the requirements of 30 TAC Section 305.43(b). The TCEQ has no jurisdiction over breach of contract issues related to the contract between the County and Waste Management.

Comment 166: Applicant

Mahlon Arnett notes that the county has denied that Waste Management is a co-applicant, and signed a June 2, 2006 letter, along with Waste Management, requesting

that the draft permit be changed to reflect the county as a sole applicant. Mr. Arnett adds that none of the documents indicating that Waste Management is a co-applicant have been withdrawn.

Response 166:

The original draft permit listed Williamson County as the owner and Waste Management as the operator. The June 2, 2006 letter requested that the draft permit be modified slightly to clearly indicate that Williamson County is the owner of the site and the permittee and that Waste Management is the operator. Although the change to the draft permit did not alter the status of either the owner or the operator, it was made to avoid further confusion over this issue.

Comment 167: Operating Outside Operating Hours

Mahlon Arnett comments that on three occasions in the last year he has observed heavy machinery working after 10 pm, including off loading trash one evening.

Response 167:

Owners and operators of MSW facilities are required to comply with the terms of the permit and with the requirements of the Commission's MSW rules. Any person who witnesses a violation is encouraged to call the TCEQ's Regional office in Austin at 512-339-2929, or the toll-free Environmental Violation Hotline at 1-888-777-3186. If the TCEQ determines that a violation of the permit or the regulations has occurred, the permittee will be subject to an enforcement action.

Comment 168: Potential Height

Mahlon Arnett comments that Steve Jacobs has told him that while Waste Management is currently asking to increase the height of the landfill by approximately 70 feet, they could go as high as 700 feet under the new application without having to go back to the TCEQ.

Response 168:

The Executive Director is required by the Texas Solid Waste Disposal Act (TSWDA) to insure that the proposed landfill is designed in an environmentally protective manner and in accordance with accepted engineering practices. The Executive Director has no specific authority under the TSWDA to limit the height of a landfill.

The permit application proposes to increase the landfill height to approximately 116 above the natural ground elevation based on the site benchmark. The site benchmark is at 724 feet msl (above mean sea level) and the peak elevation of the proposed landfill is at 840 feet msl. TCEQ rules allow a permitted landfill to request authorization to expand. However, expanding a landfill beyond its currently permitted boundary, either vertically (more than 10 feet) or horizontally, requires a major amendment to the permit.

Any future major amendment applications for the Williamson County landfill will include public notice, a comment period, and an opportunity to request a contested-case hearing on the application.

Comment 169: Applicant

Mahlon Arnett comments that the initial paperwork filed on October 10, 2003 indicates that Waste Management added two pages showing that Waste Management was a co-applicant after the County Judge had signed them.

Response 169:

Issues regarding when the application was signed and how it was coordinated between the County and Waste Management are outside of the TCEQ's jurisdiction.

Comment 170: Contractual Issues

Mahlon Arnett comments that the filing for the expansion is not authorized because the amended contract between Williamson County and Waste Management was not signed until October 28, 2003, ten days after the application was filed.

Response 170:

Issues related to the contract between the County and Waste Management are outside of the TCEQ's jurisdiction.

Comment 171: Windblown Waste Offsite

Ben and Bonnie Billing comment that they are constantly subjected to refuse that has blown from the landfill or fallen from trucks using back roads as a short cut to the facility.

Response 171:

Under the requirements of Section 330.123 of the TCEQ's MSW rules, the operator of a landfill is responsible for the clean up of waste spilled along and within the right-of-way of public access roads serving the site for a distance of two miles in either direction from any entrance used for the delivery of waste to the site. Any person who witnesses a violation of the current terms of the facility's permit should call the TCEQ's Regional office in Austin at 512-339-2929, or the toll-free Environmental Violation Hotline at 1-888-777-3186.

Comment 172: Larger Site Problems

Ben and Bonnie Billing comment that increasing the size of the landfill will magnify the existing problems.

Response 172:

The TCEQ is tasked by the legislature to regulate the disposal of municipal solid waste within the State. Authorizations issued by TCEQ must meet all relevant statutory and regulatory requirements. Permit provisions and the TCEQ's rules help ensure that human health and safety are protected and water quality is maintained. The Executive Director has reviewed the PAA and has determined that it meets all statutory regulatory criteria.

Comment 173: Height Issue

Ben and Bonnie Billing comment that no one wants to live within site of a mountain of trash looming 140 feet in the air, and that the proposed site would be visible from any location within a large radius of downtown Hutto.

Response 173:

The Executive Director is required by the Texas Solid Waste Disposal Act (TSWDA) to insure that the proposed landfill is designed in an environmentally protective manner and in accordance with accepted engineering practices. The Executive Director has no specific authority under the TSWDA to limit the height of a landfill.

Comment 174: Groundwater Contamination

Ben and Bonnie Billing comment that independent environmental experts and the EPA find that there is always eventual groundwater contamination from locations such as the Williamson County Landfill.

Response 174:

The Executive Director has reviewed the PAA and has determined that it meets all requirements in accordance with the MSW rules, including the rules regarding groundwater protection and monitoring.

Comment 175: Containment of Chemicals

Ben and Bonnie Billing comment that it is irrational to believe that containment of chemical contaminants will be possible in the future with a landfill of the magnitude of this proposed facility.

Response 175:

To reduce the potential for impacts to groundwater at the site resulting from waste disposal operations, the final cover for all fill areas will be covered with, from bottom to top, an 18-inch thick compacted soil infiltration layer, a 60-mil thick high-density

polyethylene geomembrane, and a 24-inch thick grassed erosion layer. Alternately, instead of the standard final cover, an alternative final cover for the landfill has also been proposed in the application. The alternate cover system is an evapotranspiration cover which will consist of, from bottom to top, a 36-inch thick compacted soil infiltration layer and a 6-inch thick grassed erosion layer.

The areas being added to the landfill as part of the proposed lateral expansion will be lined along the bottom with a composite liner system. The composite liner system will consist of, from bottom to top, 2 feet of compacted soil, a 60-mil thick high-density polyethylene geomembrane, a geonet drainage layer with a filter fabric, and a 24-inch protective soil cover layer. In addition, the liner system will also incorporate a leachate collection system to remove leachate from the landfill to keep the leachate level approximately under 1 foot.

In addition, the revised groundwater monitoring system, which will provide for early detection of potential releases from the facility, will consist of 35 monitoring wells, of which 8 wells presently exist and 30 new wells are proposed, and 3 existing wells are proposed to be removed in the permit amendment application. The groundwater monitoring network will be sampled, analyzed, and monitored in accordance with the procedures in the Groundwater Sampling and Analysis Plan (Attachment 11 of the Permit Amendment Application), which is part of the facility permit.

Comment 176: Comparison to Out-of-State Landfill

Ben and Bonnie Billing comment that landfills are left open in spite of regulations for closure, and that constant problems with waste escaping the confines of the landfill are common place in the Chicago area.

Response 176:

The Executive Director is unfamiliar with the problem mentioned in the Chicago area. Under the TCEQ's requirements: within 180 days of the last receipt of wastes for a MSWLF unit, the owner or operator shall complete the installation of a final cover system for that unit that is designed and constructed to minimize infiltration and erosion. The final cover system shall be composed of no less than two feet of soil and consist of an infiltration layer overlain by an erosion layer as follows.

- (1) For MSWLF units with a synthetic bottom liner, the infiltration layer shall consist of a minimum of 18 inches of earthen material with a coefficient of permeability no greater than 1×10^{-5} cm/sec overlain by a synthetic membrane that has a permeability less than or equal to the permeability of any bottom liner system. The minimum thickness of the synthetic membrane shall be 20 mils, or 60 mils in the case of high-density polyethylene (HDPE), in order to ensure proper seaming of the synthetic membrane.

(2) For MSWLF units with no synthetic bottom liner, the infiltration layer shall consist of a minimum of 18 inches of earthen material with a coefficient of permeability less than or equal to the permeability of any constructed bottom liner or natural subsoil present. The coefficient of permeability of the infiltration layer shall in no case exceed 1×10^{-5} cm/sec, even though the coefficient of permeability of the constructed bottom liner or natural subsoil is greater than 1×10^{-5} or no data exist for the value(s) of the coefficient of permeability of the constructed bottom liner or natural subsoil; and

(3) For all MSWLF units, the erosion layer shall consist of a minimum of six inches of earthen material that is capable of sustaining native plant growth and shall be seeded or sodded immediately following the application of the final cover in order to minimize erosion.

The owner or operator of all MSWLF units or lateral expansions at a facility shall prepare a written final closure plan for submittal to the executive director for review and approval that describes the steps necessary to close all MSWLF units or MSW sites at any point during the active life of the unit or MSW site in accordance with Section 330.254(a) or (b) of this title (relating to Post-Closure Care Maintenance requirements), as applicable.

Comment 177:

Ben and Bonnie Billing comment that the potential revenue generated by allowing the construction of the third largest dump in Texas would not offset the lost revenue from the residences and businesses choosing to relocate out of the county.

Response 177:

The Executive Director has no authority under the TSWDA to consider this type of financial concern when reviewing an application. The Executive Director's review of a permit application considers whether the proposed facility meets the requirements of the TSWDA and Chapter 330 of the Commission's rules.

Comment 178: Impact on Surrounding Areas

Ben and Bonnie Billing request that the TCEQ take a serious look at the personal, economic, and environmental impact the proposed expansion will have on Hutto and the surrounding area.

Response 178:

Although the TCEQ has no authority under the TSWDA to consider the economic impact associated with a proposed facility, the Executive Director does thoroughly review the application to ensure that it complies with all relevant laws and regulations.

Comment 179: Closure Responsibility

Mr. Zack Trahan wants the TCEQ to work with the county as much as possible because he states that the residents fear future clean-up costs, and any other problems that may be of concern to the future generations.

Response 179:

The TCEQ's financial assurance rules in 30 TAC Chapter 37 require that financial assurance be provided by the owner/operator of a facility to cover costs such as closure and post-closure care should the owner/operator cease to operate in the State of Texas.

Comment 180:

Robin Schneider comments that she is concerned that the County is not putting in a state of the art facility, and believes that doing so would create jobs for the community.

Response 180:

The Executive Director has determined that the permit application complies with the applicable regulatory requirements. The Executive Director has no authority to consider whether a proposed facility would bring jobs to the community when reviewing a permit application.

Comment 181: Insufficient Public Notices

TJFA, LP comment that the Public Notices are insufficient because earlier public notices listed only Williamson County as the Applicant.

Response 181:

As discussed in response to earlier comments, Williamson County is the Applicant in this proceeding. The Executive Director has concluded that the notices comply with the TCEQ notice requirements.

Comment 182: Part A Form

TJFA, LP and Mary Carter comment that the Part A Form lists both Williamson County and Waste Management as the Applicant. The Part A Form should be returned and then resubmitted after it is corrected.

Response 182:

Williamson County is the permittee and the Applicant in this proceeding. There is no co-applicant. Waste Management is the contracted operator. It is the Executive

Director's understanding that Waste Management assisted the County with the application, which is consistent with the requirements of 30 TAC Section 305.43(b).

Comment 183: Noncompliance Issue

TJFA, LP comment that the site operator, Waste Management, Inc., has a history of noncompliance at facilities in the CAPCO region that supports denial of the application.

Response 183:

The Executive Director has reviewed Waste Management's compliance history. Waste Management is rated as an average performer, which does not require denial of the application under the TCEQ's compliance history rules in 30 TAC Chapter 60.

Comment 184: Height Issue

TJFA, LP and Mary Carter comment that although the Applicant's response to CAPCO's question related to the height of the proposed landfill indicates that upon completion the landfill will "blend in with the surrounding land uses," based on the information provided in Attachment 12, the shape of the landfill and height above the surrounding land surface will simply be grassed and will present a rather imposing structure that will hardly blend in with the surrounding land uses. No special screening or vegetative treatments are planned as required and it will be the most topographically prominent feature within two miles.

Response 184:

The Executive Director is required by the Texas Solid Waste Disposal Act (TSWDA) to insure that the proposed landfill is designed in an environmentally protective manner and in accordance with accepted engineering practices. The Executive Director has no specific authority under the TSWDA to limit the height of a landfill.

The rule only requires screening of the deposited waste, basically in the active operating area (unloading area). Section 4.26 of the SOP (Part IV of the PAA) indicated that during active phase of the site, the natural vegetation, vegetated soil berms, and vegetated berms constructed of compost or mulch will be utilized as visual screening of the waste deposited area.

Comment 185: Core Data Form

TJFA, LP and Mary Carter comment that the Customer number is not provided in the Core Data Form and the Regulatory Entity Number (RN) provided on the core data form is different from the RN number provided on the Part A application Form.

Response 185:

The Core Data Form was included in the PAA to request changes to the Regulated Entity information only. It is not required if no change is being made to the Regulated Entity. The Applicant proposed changes for Williamson County (address, facility name, etc.) and the Regulated Entity Number (RN#) in the Part A Application Form for the operator (WM) for compliance/performance tracking of landfill operators. The old form assumed that the owner of the site is also the site operator and, therefore, only one block of information was requested. To eliminate this confusion, the Executive Director is revising this form to add one more set of data and the revised Part A Form requires both RN numbers for the owner and the operator. With the old Part A Application form format, it is appropriate to list the operator information for compliance/performance tracking (compliance history database search).

Comment 186: Type of Wastes Listed in Part A Form

TJFA, LP comment that the Part A Application form is incorrect because it states that the permittee will not accept Class I industrial waste, except that which is Class I because of its asbestos content, but will accept special waste; however, special waste includes Class 1 industrial solid waste of all kinds.

Response 186:

It is appropriate to list Class 1 waste in the Special Waste Section. Class 1 waste that is special waste will require a special waste handling plan in accordance with Section 330.136 of the TCEQ's MSW rules. A request must be submitted for review prior to disposal at the site to ensure its maximum contaminant level is below the allowable value.

Comment 187: TPDES Permits

TJFA, LP comment that the Applicant indicates on the Part A Application form that it is not required to comply with NPDES (or TPDES), which is incorrect.

Response 187:

The facility's TPDES storm water permit was secured and listed in the Part A Form.

Comment 188: Pre-Subtitle D Issue

TJFA, LP comment that the maximum height of the proposed landfill expansion will increase from the currently permitted 766 feet in elevation to 840 feet in elevation, rising some 160 feet above the surrounding landscape; this vertical expansion will also take place over pre-Subtitle D liner systems.

Response 188:

Please refer to Response 14. Waste placement over pre-Subtitle D areas is allowed by state and federal rules, provided that certain restrictions are met. Information provided in the PAA indicates that the landfill design for waste placement over pre-Subtitle D areas is adequate.

Comment 189: Historic Structures

TJFA, LP comment that not all proximal land uses are identified in the permit application, and there is no documentation that there are no historic sites in the vicinity of the landfill. In fact correspondence from the Texas Historical Commission, dated December 18, 2002, states that the residence on the southeast corner of the proposed expansion property and west of FM 1660 is eligible for listing in the National Register of Historic Places, and that a Ms. Linda Roark should be contacted for a determination; if this was done, it is not reflected in the correspondence include in the permit amendment application.

Response 189:

Section 3.1.4 of Part I/II indicates that the Historic House is located within the buffer zone and will not be disturbed. One option offered by the Texas Historic Commission (THC) is to move the house to a THC approved offsite location.

Comment 190: Alternative Proposals

TJFA, LP comment that alternative proposals with less adverse impact on human health or the environment have not been identified or presented.

Response 190:

There is no requirement that the Applicant present alternative proposals to the TCEQ.

Comment 191: 24/7 Operating Hours

TJFA, LP comment that the site is to become operational 24 hours per day and 7 days per week.

Response 191:

The commenter is correct. The Applicant has requested operating hours of 24 hours a day, 7 days a week.

Comment 192: Access Road Name Change

TJFA, LP comment that the resolution by the Williamson County Commissioners Court to change the name of the access road from CR 128 to Landfill Road is not included in Appendix I/II-A.8 of the permit amendment application as is stated.

Response 192:

The TCEQ's rules do not require the road name change to be included in the application.

Comment 193: Geology

TJFA, LP comment that the Geology and Soils description under the General Geology and Soils Statement does not comport with the geologic map of the area published by the University of Texas Bureau of Economic Geology nor does it comport with the information provided in the Ground and Surface Water Statement and in Attachment 4 of Part III of the permit amendment application.

Response 193:

The Geology and Soils Statement (330.53(b)(10)) is provided in a Section sealed by Mr. J. Roy Murray, P.E., and provides a general discussion of the geology and soils at, and in the vicinity of the site. Mr. Murray has represented that the site is underlain by the Austin Chalk, which is confirmed by the Austin sheet, Geologic Atlas of Texas, Bureau of Economic Geology.

Comment 194: Edwards Aquifer

TJFA, LP comment that the Ground and Surface Water Statement does not contain any discussion of the Edwards Aquifer, which is stated to occur only about 600 feet below the landfill.

Response 194:

The Groundwater and Surface Water Statement, in accordance with Section 330.53(b)(11) of the TCEQ's MSW rules, is provided in a Section sealed by Mr. J. Roy Murray, P.E., and a general discussion of the occurrence of ground and surface water in the vicinity of the site is also discussed. Mr. Murray has provided a discussion of the water-bearing properties of the geologic units in the vicinity of the site, starting with those that crop out and the other, older, underlying strata. Mr. Murray discusses the Edwards Aquifer in the fifth paragraph in this Section, page I/II-16.

Comment 195:

TJFA, LP comment that the statement in the permit amendment application that the Texas Parks and Wildlife Department does not anticipate adverse impacts to threatened or endangered species from proposed project activities is not definitive, as substantiated by the December 6, 2002 correspondence from the agency.

Response 195: Endangered or Threatened Species

Please refer to Response 75. The December 6, 2002 letter recommends precautions be taken to avoid adverse impacts. Based on information provided in the PAA, Section 3.6 of Part I/II, a biological assessment was performed at the site by a qualified biologist. A field reconnaissance was performed and revealed the presence of no endangered or threatened species or their critical habitat within the site. Given this assessment, no precautions were provided in the SOP.

Comment 196: Floodplain & Wetland

TJFA, LP comment that the floodplain analysis was performed with an outdated floodplain map which does not accurately reflect the 100-year flood plain location today and therefore cannot show that landfill operations will not restrict the 100-year flood or cause a washout of solid waste. There is no current wetland study included to support the application's suggestion there are no wetlands that could be impacted.

Response 196:

Please refer to Response 81. The Applicant has provided an adequate floodplain map as required by the rule and based on the provided FEMA Floodplain Map, Figure I/II-7 of Part I/II, the proposed site is not located in the 100-year floodplain. In addition, Attachment 6 of Part III of the PAA contains adequate design to prevent flooding from the required 100-year flood event, including at the lowest elevation on the southwest corner of the landfill area near Mustang Creek.

Section 3.5 of Part I/II of the PAA indicates that a wetland study was performed in October 2002 by SWCA, Inc. Two areas contain wetland and these areas are located outside the waste footprint area and will not be disturbed.

Comment 197: Final Cover

TJFA, LP comment that the alternative final cover system proposed presumes that a 36-inch thick soils infiltration barrier can be compacted to a hydraulic conductivity of $1 \times 10E-7$ cm/sec or less and that this hydraulic conductivity will not increase with time through wetting and drying, freezing and thawing, and animal activities during the life of the landfill and a thirty-year post-closure care period.

Response 197:

After technical review of the application, the Applicant was found to have satisfactorily addressed the requirements of 30 TAC Sections 330.250 - 330.256 in Attachments 12 and 13 (Final Closure Plan and Post-closure Care Plan) of Part III of the application document. These Sections provide detailed information on such topics as the cover system design, the cover installation methods and procedures, the final closure schedule, the contents of the Final Cover Quality Control Plan, the post-closure activities for monitoring and maintenance, the requirements for decreasing and increasing the length of the post-closure period, and constraints on post-closure construction over the landfill "footprint" area. Attachment 13 of Part III of the PAA contains monitoring and maintenance procedures for managing the final cover system. The Applicant will be required to implement the requirements regarding final cover design and post-closure care as specified in this application to ensure lasting durability of the final cover over the required post-closure care period. An adequate maintenance schedule for the final cover is included in the SOP to address these issues.

Comment 198: Subsurface Investigation

TJFA, LP comment that the subsurface investigation was inadequate.

Response 198:

After reviewing attachments 4 and 5, staff concludes that Attachments 4 and 5 of the PAA contain sufficient information regarding geologic and groundwater conditions, as required by the MSW rule.

Comment 199: Water Wells

TJFA, LP comment that the information provided concerning local water wells in revised Parts I/II is inconsistent with the information provided in Attachment 4.

Response 199:

According to Section 305.45(a)(6)(A) of the TCEQ's rules, MSW permit applications must include a map that identifies each well and spring within one mile of the proposed permit boundary. The Applicant provides a topographic map in the application that identified water wells within 1 mile of the proposed permit boundary.

The Applicant has included the results of the water well and oil and gas well inventories on Figures I/II-3 I/II-6 in Parts I/II of the PAA. The Applicant has represented that 3 located water wells were found through state records, and that there are 18 water wells identified through field survey. The Executive Director has determined that the application complies with all applicable requirements.

According to Section 330.52(b)(4)(A)(ii) of the TCEQ's MSW rules, MSW permit application Part I/II must include a map that identifies each water well within 500 feet of the proposed permit boundary. Water Well information in Part I/II, was prepared by Mr. J. Roy Murray, P.E., and represents his professional opinion. The Water Well information submitted in the Geology Report, Attachment 4 of Part III of the PAA, was prepared by Ms. Karen Gallup, P.G., and represents her professional opinion. Both of these individuals have sealed and signed their work, and have represented, as required under Section 330.51(b)(2), that the information that they have submitted is true and correct.

Comment 200: Seismic Impact Zone

TJFA, LP comment that in accordance with 30 TAC Section 330.304, a seismic impact zone is an area with a ten percent or greater probability that the maximum horizontal acceleration, expressed as a percentage of the Earth's gravitational pull, will not exceed 0.10g in 250 years. The seismic impact map provided in Figure III-4.9 is for only a 50 years period; there is no explanation of the relationship of the information provided by this map and required by the regulations, and the map is not one generated by Algermissen et al. (1990) as stated in the permit amendment application.

Response 200:

The Geology Report, Attachment 4 of Part III, was prepared by Ms. Karen Gallup, P.G., and provided Figure III-4.9 as a demonstration of compliance with Section 330.53(b)(10)(C). The map provided was referenced as Algermissen et al, 1990, when in fact, it is an October 2002 revision of the U.S. Geological Survey's National Seismic Hazard Mapping Project. In 1996, the USGS began issuing seismic impact maps for the continental United States. These maps are later in date than the map prepared by Algermissen et al, but do not report the peak acceleration of gravity in 250 year increments. The 2% acceleration of gravity in 50 years is equivalent to Algermissen's 10% acceleration in 250 years. The information provided complies with the requirements of Section 330.53(b)(10)(C).

Comment 201: Porosity and Permeability

TJFA, LP comment that statements in the geotechnical report concerning permeability do not take into account the occurrence of fracture porosity and permeability.

Response 201:

The Geotechnical Report, required under Section 330.56(d)(5)(B), is contained in the Geology Report, which was prepared by Ms. Karen Gallup, P.G. The report contains the results of the permeability tests, which are required under Section 330.56(d)(5)(B)(I) and (II). In this case, ASTM D4525 was used as it was represented that the core samples were too low in permeability to use ASTM D5084. Tests are required to be run on undisturbed, in-situ samples.

Comment 202: Hydraulic Conductivity

TJFA, LP comment that the piezometers set in the lower claystone and upper limestone do not provide an adequate basis for distinguishing between the hydraulic characteristics of the two materials likely leading to erroneous analyses and conclusions with respect to hydraulic conductivities.

Response 202:

The Geology Report, Attachment 4 of Part III, was prepared by Ms. Karen Gallup, P.G. Ms. Gallup has represented that sufficient piezometers were installed to monitor ground-water conditions in the various hydrogeologic units at the site, and has provided explanations in this report detailing her conclusions.

Comment 203: Ground Water Conditions

TJFA, LP comment that there is no explanation of why water levels in the surficial clay/claystone are mapped separately from the claystone/limestone, when the entire stratigraphic interval is defined as a single “hydrostatic” unit.

Response 203:

The Geology Report, Attachment 4 of Part III, was prepared by Ms. Karen Gallup, P.G. Ms. Gallup has represented that sufficient piezometers were installed to monitor ground-water conditions in the various hydrogeologic units at the site, and has provided explanations in this report detailing her conclusions.

Comment 204: Groundwater Flow

TJFA, LP comment that Darcy’s Law is improperly applied to assess groundwater flow velocities.

Response 204:

A discussion of the Average Linear Flow for the site is provided by Ms. Karen Gallup, P.G., in Section 8.4.8 in the Geology Report, Attachment 4 of Part III. Ms. Gallup has represented that her assumptions and data input are true and correct.

Comment 205: Potential Pollution Pathways

TJFA, LP comment that the analysis of potential pollution pathways is deficient and inadequate.

Response 205:

A discussion of the Potllution Migration pathways for the site is provided by Ms. Karen Gallup, P.G., in Section 8.4.9 in the Geology Report, Attachment 4 of Part III. Ms.

Gallup has represented that her discussion, which is based on the site specific data that she collected, is true and correct.

Comment 206: Monitoring Well System

TJFA, LP comment that the proposed monitoring well system is likely inadequate due to inadequate characterization of the hydro geology of the proposed landfill expansion area; at a minimum, the screens of monitoring wells will not penetrate the fill thickness of the aquifer surrounding and beneath the proposed landfill.

Response 206:

The ground-water monitoring system for this facility was designed and certified by Ms. Karen Gallup, P.G., in accordance with the requirements of Section 330.230 and Section 330.231.

Comment 207: Stormwater Detection Ponds

TJFA, LP comment that the justification provided for stating that the storm water detention ponds will not impact the occurrence and distribution of groundwater in the underlying clays does not hold water (so to speak). The Applicant neglects the occurrence of fluid movement capabilities of fractures that will develop in the clays at the site and relies on laboratory permeabilities that do not take the fractures into account in determining bulk permeabilities, as would insitu tests.

Response 207:

Capability to fracture in clay is an unpredicted event that may or may not occur. The MSW review process can not consider this unpredictable event. Mr. J. Roy Murray, P.E., has provided a Soil and Liner Quality Control Plan, Attachment 10 of Part III of the application which addresses the liner construction activities. Mr. Murray has provided a design which he has represented will be constructed so that ground water will not negatively impact the liner system.

Comment 208: Contaminated Water

TJFA, LP comment that there is no real management plan for contaminated water. A statement in Attachment 6, Groundwater and Surface Water Protection Plan and Drainage Plan, simply states that contaminated water will be managed in accordance with applicable regulations and references Attachment 15, and Attachment 15 simply refers back to the content of Attachment 6. Furthermore, the permit amendment application is inconsistent with respect to whether runoff from daily cover is considered contaminated or isn't considered contaminated. If the former is true, the surface water protection plan is inadequate.

Response 208:

Please refer to Responses 3, 4, 7, 35, and 52. Section 2.2 of Attachment 6 contains information regarding contaminated water generation (including run-off from daily cover), minimization, and methods of management. It is also indicated that contaminated water will not be discharged from the site unless authorized by TCEQ and will be managed and disposed of in accordance with applicable regulations.

Comment 209: Mixed Contaminated Water and Leachate Recirculation

TJFA, LP comment that the permit amendment application allows for recirculation of a mixture of contaminated water and leachate, which is contrary to 30 TAC Section 330.5(e)(6)(A)(ii).

Response 209:

According to Section 330.5(e)(6)(A)(ii) of the TCEQ's MSW rules, recirculation of leachate and condensate over Subtitle D areas is allowed. No mixture of contaminated water and leachate will be allowed. Section 2.2 of Attachment 6 of Part III indicates that contaminated water will be properly disposed of in accordance with applicable regulations. Run-off from daily cover is contaminated water and will be capture by working face berms.

Comment 210: Slope Stability

TJFA, LP comment that the slope stability analyses in Appendix C to Attachment 6, do not consider all critical slopes; specifically, no analysis was performed of the stability of the waste placed approximately 70 feet higher over the existing waste and the pre Subtitle D cells of the landfill.

Response 210:

Under Section 330.51(d) of the TCEQ's MSW rules, MSW permit application must be prepared, signed, and sealed by a professional engineer. The slope stability analysis was prepared and sealed by Mr. J. Roy Murrey, P.E. and Mr. Andrew Querio, P.E., professional engineers to ensure accuracy of the analysis and calculations.

Appendix C to Attachment 6 of Part III of the PAA indicates that the proposed final cover slopes are stable with a safety factors greater than 1.3 under all conditions analyzed. The Applicant will be required to implement the applicable requirements contained in Attachments 6, 12, 13, and Part IV of the permit amendment application for the slope construction and maintenance during the post-closure care period.

Comment 211: Cost Estimate

TJFA, LP comment that the closure and post-closure care costs in Attachment 8 are suspect. For example, the costs for groundwater monitoring appear too low and there are no costs allocated for closure of liquids stabilization facilities.

Response 211:

According to Section 330.56(h) of the TCEQ's MSW rules, permit applicants must submit a cost estimate for closure and post closure care costs in accordance with Sections 330.280 - 330.284 of the MSW rules. Section 330.281(a) requires that owners or operators of MSW facilities provide a detailed written cost estimate, in current dollars, showing the cost of hiring a third party to close the largest area of the landfill ever requiring a final closure anytime during the active life of the unit. Section 330.283(a) requires that applicants provide a detailed written cost estimate, in current dollars, showing the cost of hiring a third party to conduct post closure care activities. The Total Closure Costs is \$12,264,118 and TCEQ administration of contracts at closure stage (5% of construction cost) is \$613,206. The Total Post Closure Costs is \$1,959,100 and TCEQ administration of contracts at post closure stage (10% of post closure cost) is \$195,910. This information can be found in Attachment 8 of Part III of the application. The Executive Director has reviewed the cost estimates for closure and post closure care in Attachment 8 of Part III of the application, and determined that this information complies with the requirements of Section 330.56(h).

Comment 212: Ballast & Dewater Calculations

TJFA, LP comment that calculations of ballasting and dewatering requirements and the under drain design are likely in error because of failure to consider groundwater flow in fractures present in the host materials.

Response 212:

The calculations of ballasting and dewatering requirements were prepared and seal by the professional engineer to ensure accuracy of the design and calculations. The ballast demonstration is addressed in the Soil and Liner Quality Control Plan, Attachment 10 of Part III of the application.

Comment 213: Alternate Final Cover

TJFA, LP comment that the alternative final cover design may be inadequate because of erroneous assumptions related to the hydraulic conductivity of the 36-inch thick infiltration layer.

Response 213:

According to Section 330.253(c) of the TCEQ's MSW rules, an alternative final cover design may be used under certain criteria includes:

- (1) an infiltration layer that achieves an equivalent reduction in infiltration as the infiltration layer specified in Subsection 330.253(b)(1) or (2); and
- (2) an erosion layer that provides equivalent protection from wind and water erosion as the erosion layer specified in Subsection 330.253(b)(3).

The provided alternative final cover was prepared and seal by the professional engineer to ensure accuracy of the design and calculations. The Executive Director has reviewed the alternate final cover, and determined that this information complies with the requirements of Section 330.253(c).

Comment 214: Landfill Gas Management Plan

TJFA, LP comment that a standard Subtitle D final cover system is also proposed that incorporates a flexible membrane, yet the gas management plan presented in Attachment 14 includes no provisions for venting or collection of landfill gas generated within the landfill. Passive landfill vents are shown on the Site development Plan drawing in Attachment 1 and a typical design is shown in Attachment 14, but no discussion of the basis for the design or vent spacing is provided. Installation of a final cover system lacking an appropriate landfill gas venting or collection system is a recipe for failure of the final cover system.

Response 214:

Please refer to Response 119. A passive gas vents system will be installed concurrent with the installation of the final cover to prevent the possible lateral migration of landfill gas as shown in details in Section 6.0 of Attachment 14, the Landfill Gas Control Plan, and Figures III-14.1 and III-14.2 in Attachment 14 of Part III. This plan contains sufficient information for landfill gas management and control acceptable for the final cover system. In addition, the plan was signed and sealed by Mr. J. Roy Murray, P.E., a professional engineer, to ensure accuracy of the design.

Comment 215: Leachate & Gas Condensate Management

TJFA, LP comment that the permit amendment application states that leachate and landfill gas condensate will be managed in a number of ways: pumped directly into tanker trucks, recirculated, or pumped through a force main to evaporation ponds or other on-site storage or treatment facilities. No designs are provided, however, for a force main system, evaporation ponds, or other on-site storage or treatment facilities. Thus, these options should not be permitted by this permit amendment application.

Response 215:

All required information regarding leachate and gas condensate management options are sufficiently provided in Attachment 15 of Part III of the PAA. Detailed drawings each option including leachate pond and force main design are shown in Figures III-15.1 – III-15.7. The Applicant will modify the PAA in the future to include all required items (i.e. locations) for each chosen option.

Comment 216: SOP – Random Inspection, Fire, Screening, & Contaminated Water

TJFA, LP comment that the Site Operating Plan is inadequate. For example, equipment operators are tasked to perform random inspections, only two vehicles per week will be subject to random inspections, fire protection standards are deficient, and few screening provisions are specified. One method specified to extinguish a fire at the working face is to compact the waste with the landfill compactors. For screening, it is stated that existing vegetation will be left in place to the extent possible, but the site has been historically used primarily as agricultural land and little or no vegetation is evident on the aerial photo of the site. All other screening is to be temporary. Water having contacted waste, leachate or landfill gas condensate is to be handled in accordance with Attachment 15, but Attachment 15, provided no instructions other than to refer to Attachment 6.

Response 216:

According to the technically complete version of the PAA, Section 4.2.3 of the SOP indicates that four vehicles per week will be subject to random inspections. All other required items in the SOP are adequately provided in accordance with the MSW rule. The described method to extinguish a fire at the working face is to compact the waste with the landfill compactors does not exist in the SOP. Please refer to Response 73 regarding deposited waste screening. Please refer to Response 208 regarding contaminated water management.

Comment 217: Liquid Solidification

TJFA, LP comment that there is no information on whether liquids solidification will be done on the site, where it will be located, how it will operate, and how odor and storm water runoff from such a facility will be controlled. There is no detailed description on how hazardous wastes will be kept out of the landfill.

Response 217:

Under Section 330.136(b)(7) of the Commission's rules, sludge, grease trap waste, grit trap waste, or liquid wastes from municipal sources can be accepted at a Type I Municipal Solid Waste landfill for disposal only if the material has been, or is to be, treated or processed and the treated/processed material has been tested, in accordance with Test Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for

Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication Number SW-846), as amended, and is certified to contain no free liquids. Prior to treatment or processing of this waste at the landfill, the owner or operator shall submit written notification to the Executive Director of the liquids processing activity as required in Section 330.8 of this title.

The Applicant has provided adequate information for technical review process regarding liquid solidification facility and stormwater run-off management as presented in Section 4.24 of Part IV (SOP) of the PAA. In addition, Attachment 6 of Part III contains sufficient information regarding stormwater run-off control. Hazardous waste will not be allowed to enter that landfill.

CHANGES MADE IN RESPONSE TO COMMENT

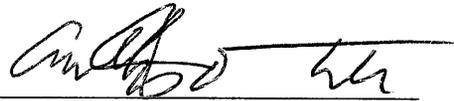
No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on
Environmental Quality

Glenn Shankle
Executive Director

Robert Martinez, Director
Environmental Law Division



Anthony Tatu, Staff Attorney
Environmental Law Division
State Bar No. 00792869
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
(512) 239-5778

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on October 25, 2006, the 'Executive Director's Second Response to Public Comment' for Proposed MSW Permit No. 1405-B was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



Anthony Tatu, Staff Attorney
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**MAILING LIST
WILLIAMSON COUNTY
PROPOSED MSW PERMIT NO. 1405-B**

FOR THE APPLICANT:

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FOR THE EXECUTIVE DIRECTOR:

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FOR THE OFFICE OF PUBLIC
ASSISTANCE:

Ms. Jody Henneke, Director
TCEQ Office of Public Assistance
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FOR THE ALTERNATIVE DISPUTE
RESOLUTION:

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FOR THE OFFICE OF CHIEF CLERK:

Ms. LaDonna Castañuela
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Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 12, 2005

TO: Persons on the attached mailing list.

RE: Williamson County Recycling & Disposal Facility
MSW Permit No. 1405B

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** Unless a timely request for contested case hearing or reconsideration is received (see below), the TCEQ executive director will act on the application and issue the permit.

Enclosed with this letter is a copy of the Executive Director's Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Williamson County Courthouse, 710 South Main Street, Suite 201, Georgetown, Texas 78626-4628, telephone (512) 943-1550.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. A brief description of the procedures for these two requests follows.

How To Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group; and
 - (B) one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application. The request must be based on issues that were raised during the comment period. The request cannot be based solely on issues raised in comments that have been withdrawn. The enclosed Response to Comments will allow you to determine the issues that were raised during the comment period and whether all comments raising an issue have been withdrawn. The public comments filed for this application are available for review and copying at the Chief Clerk's office at the address below.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to comments that you dispute; and 2) the factual basis of the dispute. In addition, you should list, to the extent possible, any disputed issues of law or policy.

How To Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be in writing and must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter: You should submit your request to the following address:

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

Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the alternative dispute resolution director and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Office of Public Assistance, Toll Free, at 1-800-687-4040.

Sincerely,



LaDonna Castañuela
Chief Clerk

LDC/is

Enclosures

MAILING LIST
for
Williamson County Recycling & Disposal Facility
MSW Permit No. 1405B

FOR THE APPLICANT:

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FOR THE CHIEF CLERK:

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INTERESTED PERSONS:

See attached list.

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118 SAN JACINTO
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NANCY ALLEN
104 GRANT CV
HUTTO TX 78634-5006

STEPHEN BAKER
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AUSTIN TX 78704-1700

ED BAXTER
1280 COUNTY ROAD 100
GEORGETOWN TX 78626-2255

PHILLIP BOUTWELL
200 BOSQUE DR
HUTTO TX 78634-4471

SHARON ARCE
TEXAS CAMPAIGN FOR THE ENVIRONMENT
611 S CONGRESS AVE STE 200
AUSTIN TX 78704-1700

ANGELA BELMARES
416 RIO GRANDE AVE
HUTTO TX 78634-4449

LEANN BOWERS
301 SYLVAN ST
HUTTO TX 78634-3292

SILVIO JOSE ARCE II
TEXAS CAMPAIGN FOR THE ENVIRONMENT
611 S CONGRESS AVE STE 200
AUSTIN TX 78704-1700

BEN BELMARES
416 RIO GRANDE AVE
HUTTO TX 78634-4449

AMANDA BRANDT
201 MALLARD CV
HUTTO TX 78634-4426

B BRANDT
201 MALLARD CV
HUTTO TX 78634-4426

JESSICA CEDILLOS
115 GUADALUPE
HUTTO TX 78634-4442

MARGARET A CRISLIP
9553 FM 1660
HUTTO TX 78634-4309

MARCIA BRANDT
201 MALLARD CV
HUTTO TX 78634-4426

CORA CHILOBE
117 GUADALUPE
HUTTO TX 78634-4442

LIS DARLEY
400 RIO GRANDE AVE
HUTTO TX 78634-4448

S BRANDT
201 MALLARD CV
HUTTO TX 78634-4426

MARTIN CHILOBE
117 GUADALUPE
HUTTO TX 78634-4442

DAVID DENBY
107 GUADALUPE
HUTTO TX 78634-4443

CLAY BRAUN
514 MEADOWSIDE DR
HUTTO TX 78634-5163

DIANE & GUS CHRISTY
3636 COUNTY ROAD 100
HUTTO TX 78634-3183

SUE DENBY
107 GUADALUPE
HUTTO TX 78634-4443

MARIANNE BROCK
TEXAS CAMPAIGN FOR THE ENVIRONMENT
611 S CONGRESS AVE STE 200
AUSTIN TX 78704-1700

CONCERNED CITIZEN
204 BLANCO DR
HUTTO TX 78634-4469

J & SANDY DENTLER
PO BOX 148
HUTTO TX 78634-0148

YVETTE BRUCE PRES
THE RIVERS CROSSING HOA
205 RED RIVER ST
HUTTO TX 78634-4468

CONCERNED CITIZEN
108 BRAZOS DR
HUTTO TX 78634-4436

JR DENTLER
2655 COUNTY ROAD 130
HUTTO TX 78634-3148

YVETTE BRUCE
107 PECOS DR
HUTTO TX 78634-4438

CONCERNED CITIZEN
113 SAN JACINTO
HUTTO TX 78634-4444

DOLORES DOHERTY
109 CREEKSIDE DR
HUTTO TX 78634-3410

ROBIN CAMPBELL
104 PECOS DR
HUTTO TX 78634-4438

CONCERNED CITIZEN
118 BRAZOS DR
HUTTO TX 78634-4437

HEATH & SANDY DOYLE
103 BRAZOS DR
HUTTO TX 78634-4436

JEFF CASEY
418 RIO GRANDE AVE
HUTTO TX 78634-4449

MIKE & TONYA CONNELL
113 GUADALUPE
HUTTO TX 78634-4442

ROBERT DRENNAN
109 GUADALUPE
HUTTO TX 78634-4442

KAREN CASEY
418 RIO GRANDE AVE
HUTTO TX 78634-4449

MELISSA CORONADO
207 MALLARD CV
HUTTO TX 78634-4426

KENNY & STEPHANIE DUANDER
2601 COUNTY ROAD 107
HUTTO TX 78634-3053

DEBBIE & JAMES DURHAM
202 RINEHARDT ST
HUTTO TX 78634-3291

LIZ FISK
107 SYLVAN ST
HUTTO TX 78634-3281

CHARLES FURRY
125 SYLVAN ST
HUTTO TX 78634-3281

DON EDELMON
405 RIO GRANDE AVE
HUTTO TX 78634-4448

THERON T FISK
107 SYLVAN ST
HUTTO TX 78634-3281

DAVID GALLAWAY
404 WILEY ST
HUTTO TX 78634-3285

JON EGGELING
222 RINEHARDT ST
HUTTO TX 78634-3291

JOHN FLACZYNSKI
214 QUAIL CIR
HUTTO TX 78634-3166

DAWN M GALLAWAY
404 WILEY ST
HUTTO TX 78634-3292

GARY W EHRLEIH
201 THOMAS PARK DR
HUTTO TX 78634-3074

BRENDA FOWLER
100 WILEY ST
HUTTO TX 78634-3277

FELIX GALLEGOS
306 SYLVAN ST
HUTTO TX 78634-3292

KAREN ELLIS
105 SAN JACINTO
HUTTO TX 78634-4444

AMANDA FRAZIER
110 SYLVAN ST
HUTTO TX 78634-3281

BRIAN GARBACON
113 PECOS DR
HUTTO TX 78634-4438

EVELYN EVANS
112 GUADALUPE
HUTTO TX 78634-4442

ANTHONY FREDRICK
101 TWILIGHT WAY
HUTTO TX 78634-5146

JERRY GARCIA
110 SAN JACINTO
HUTTO TX 78634-4444

DR. ORLYNN R EVANS
112 GUADALUPE
HUTTO TX 78634-4442

CHRISTAL FREDRICKSON
206 JANIS MAE DR
HUTTO TX 78634-5011

CHRIS & MATT GONZALES
103 GUADALUPE
HUTTO TX 78634-4443

VENNIE EVANS
314 PAIGE BND
HUTTO TX 78634-5084

DAVID FUESSEL
1451 COUNTY ROAD 424
TAYLOR TX 76574-5833

JENNIFER GONZALES
104 SYLVAN ST
HUTTO TX 78634-3281

THE ARNETT FAMILY
100 S DEWBERRY CREEK TRL
HUTTO TX 78634

NORMAN FUESSEL
11255 W HIGHWAY 29
TAYLOR TX 76574

ROSIE GONZALES
103 GUADALUPE
HUTTO TX 78634-4443

RICHARD FERGUSON
111 PECOS DR
HUTTO TX 78634-4438

SHAYLENA FULTON
113 THOMAS PARK DR
HUTTO TX 78634-3073

JUDY GROSE
208 MATTHEW CV
HUTTO TX 78634-5075

LESHA GROSE
206 MATTHEW CV
HUTTO TX 78634-5075

WINIFRED A HUFFMAN
106 EDISON DR
HUTTO TX 78634-5069

JAMES KETTLEMAN
111 GUADALUPE
HUTTO TX 78634-4442

TIMOTHY GROSE
206 MATTHEW CV
HUTTO TX 78634-5075

BRANDON HUNT
308 SYLVAN ST
HUTTO TX 78634-3292

SHARON KETTLEMAN
111 GUADALUPE
HUTTO TX 78634-4442

DWAYNE & SARAH HALBARDIER
110 GUADALUPE
HUTTO TX 78634-4442

CYNTHIA & DARREN HUNTINGTON
100 GUADALUPE
HUTTO TX 78634-4443

OLA KEYS
206 RINEHARDT ST
HUTTO TX 78634-3291

BRENDON & LAURIE HANLY
103 PECOS DR
HUTTO TX 78634-4438

CARLOS & DOLORY HURTADA
101 SYLVAN ST
HUTTO TX 78634-3281

PARTHENIA KEYS
206 RINEHARDT ST
HUTTO TX 78634-3291

JANET HAVELKA
415 RIO GRANDE AVE
HUTTO TX 78634-4448

JOE P INSKEEP
304 THOMAS PARK DR
HUTTO TX 78634-3070

BOB KIER
4900 SPICEWOOD SPRINGS RD
AUSTIN TX 78759-8422

RANDY HAVELKA
415 RIO GRANDE AVE
HUTTO TX 78634-4448

DAVID JAMES
111 THOMAS PARK DR
HUTTO TX 78634-3073

DORIS KING
408 RIO GRANDE AVE
HUTTO TX 78634-4448

BETH & MICHAEL HICKS
3450 COUNTY ROAD 100
HUTTO TX 78634-3040

DORIS JOHNSON
201 BOSQUE DR
HUTTO TX 78634-4471

GAIL KING
207 THOMAS PARK DR
HUTTO TX 78634-3074

LETICIA HILL
118 AGUILAR DR
HUTTO TX 78634-4349

FAITH JOHNSON
128 SCISSORTAIL TRL
GEORGETOWN TX 78628-4810

JAN KING
900 COUNTY ROAD 126
GEORGETOWN TX 78626-2453

JASCA HILLYER
201 MALLARD CV
HUTTO TX 78634-4426

SHANNON JOHNSON
310 SYLVAN ST
HUTTO TX 78634-3292

KIPPY KING
408 RIO GRANDE AVE
HUTTO TX 78634-4448

DEBBIE HOLLAND
PO BOX 312
HUTTO TX 78634

BRENETTE KELLEHER
204 BLANCO DR
HUTTO TX 78634-4469

PRISCILLA M KING
312 THOMAS PARK DR
HUTTO TX 78634-3070

BARB KINNAMAN
109 RINEHARDT ST
HUTTO TX 78634-3280

BLAINE LEE
1400 COUNTY ROAD 134
HUTTO TX 78634-5205

CANDICE TAYLOR MANSAL
101 BLANCO DR
HUTTO TX 78634-4441

DAVE KINNAMAN
109 RINEHARDT ST
HUTTO TX 78634-3280

LEEANN LEE
1400 COUNTY ROAD 134
HUTTO TX 78634-5205

CHAD MARTINKA
209 MATTHEW CV
HUTTO TX 78634-5075

SHEILA KNAPP
501 COUNTY ROAD 101
HUTTO TX 78634

CATHERINE LEGGETT
109 LONE STAR BLVD
HUTTO TX 78634-4344

JENNIFER MARTINKA
209 MATTHEW CV
HUTTO TX 78634-5075

ROBIN KNIPPA
200 SAN JACINTO
HUTTO TX 78634-4446

CHANCE LEIGH & KATRINA SIMO
116 AGUILAR DR
HUTTO TX 78634-4349

CONNIE MASSEY
119 BRAZOS DR
HUTTO TX 78634-4437

KAREN KOCUREK
205 RED RIVER ST
HUTTO TX 78634-4468

ANGELITA LINDEMANN
120 SAN JACINTO
HUTTO TX 78634-4445

EDWARD & TAMMY MATLOCK
115 THOMAS PARK DR
HUTTO TX 78634-3073

NICK KRICZKY
411 RIO GRANDE AVE
HUTTO TX 78634-4448

EDWARD L LINDEMANN
120 SAN JACINTO
HUTTO TX 78634-4445

BRIAN MATOCH
111 BRAZOS DR
HUTTO TX 78634-4436

THE HONORABLE MIKE KRUSEE
TEXAS HOUSE OF REPRESENTATIVES
PO BOX 2910
AUSTIN TX 78768-2910

SHERRY L LINDLEY
100 BROCK CV
HUTTO TX 78634-5005

ALAN MATTHEWS
106 TWILIGHT WAY
HUTTO TX 78634-5146

REBECCA & SCOTT KUENSTLER
104 GUADALUPE
HUTTO TX 78634-4443

JVON MACK
102 TWILIGHT WAY
HUTTO TX 78634-5146

SUSAN MCATEE
106 WILEY ST
HUTTO TX 78634-3277

KAREN KVAPIL
129 SYLVAN ST
HUTTO TX 78634-3281

FELIX MADRID
208 MATTHEW CV
HUTTO TX 78634-5075

KATHY MCCORMICK
119 EMMA LYNN LN
HUTTO TX 78634-5021

BROCK LAWSON
2255 COUNTY ROAD 105
HUTTO TX 78634-3135

JENNIFER MADRID
208 MATTHEW CV
HUTTO TX 78634-5075

SCOTT MCCOY
414 RIO GRANDE AVE
HUTTO TX 78634-4448

SHELLY MCCOY
414 RIO GRANDE AVE
HUTTO TX 78634-4448

KEVIN & MONICA MOLT
105 BRAZOS DR
HUTTO TX 78634-4436

ALTON MILTON ODOM
200 MATTHEW CV
HUTTO TX 78634-5075

TOM MCDANIEL
2913 GABRIEL VIEW DR
GEORGETOWN TX 78628-2707

ANTHONY MOORE
501 W METCALFE ST
HUTTO TX 78634-5280

JOE OLIVARES
105 THOMAS PARK DR
HUTTO TX 78634-3073

DOUG & KELLY MEEK
105 PECOS DR
HUTTO TX 78634-4438

BRITTANY MORGAN
211 SYLVAN ST
HUTTO TX 78634-3282

CHARLES OLIVER
8205 BRAKER BRANCH
ROUND ROCK TX

DOYLE MELTON
105 GUADALUPE
HUTTO TX 78634-4443

PATRICIA & RON MOULTON
108 SAN JACINTO
HUTTO TX 78634-4444

BETTY ORME
419 RIO GRANDE AVE
HUTTO TX 78634-4449

GLEN MELTON
602 N FM 1660
HUTTO TX 78634-3117

LINDA E MULLIGAN
304 CREEKSIDE DR
HUTTO TX 78634-3428

LOREN ORME
419 RIO GRANDE AVE
HUTTO TX 78634-4449

VICKI MELTON
602 N FM 1660
HUTTO TX 78634-3117

DERRICK J MURAK
129 SYLVAN ST
HUTTO TX 78634-3281

JOHNNY & SANDE PALMA
120 BRAZOS DR
HUTTO TX 78634-4437

ELIZABETH & ROBERT MERRILL
101 BRAZOS DR
HUTTO TX 78634-4436

EVAJO & JERRY MYERS
205 WARNER BND
HUTTO TX 78634-5050

CHRISTINA PARCIASEPE
204 SYLVIA ST
HUTTO TX 78634

DALE & DIANE MESSING
121 BRAZOS DR
HUTTO TX 78634-4437

CAROL & TED NEIL
16804 CRANSTON DR
ROUND ROCK TX 78664-8626

EDMOND PARSONS
230 SYLVAN ST
HUTTO TX 78634-3282

JOE MEYER
225 SYLVAN ST
HUTTO TX 78634-3282

PAM NICHOLS
217 RINEHARDT ST
HUTTO TX 78634-3291

ARSILIA PEREZ
407 RIO GRANDE AVE
HUTTO TX 78634-4448

STEVE MOBLEY
2205 WESTOVER RD
AUSTIN TX 78703-1213

CHRISTY & TODD NUNNALLY
112 PECOS DR
HUTTO TX 78634-4438

THOMAS J PETROSKI
303 RIO GRANDE AVE
HUTTO TX 78634-4440

PAUL I PHILLIPS
601 MORNING DOVE DR
HUTTO TX 78634-4407

DAW & ELISE REAVES
632 ESTATES OF BRUSHY CREEK DR
HUTTO TX 78634-5131

DAWN SCHIRMER
111 MEADOWSIDE DR
HUTTO TX 78634-5101

ANITA & GREG PITRE
106 BRAZOS DR
HUTTO TX 78634-4436

PAM RENFRO
224 SYLVAN ST
HUTTO TX 78634-3282

ROBIN SCHNEIDER EXEC DIR
TEXAS CAMPAIGN ENVIRONMENT
STE 200
611 S CONGRESS AVE
AUSTIN TX 78704-8706

DWIGHT PITTMAN
PO BOX 128
HUTTO TX 78634-0128

CHUCK RICE
909 GARNER AVE
AUSTIN TX 78704-2127

MARCELLA SCHOENER
3202 W 2ND ST
TAYLOR TX 76574-4609

REBECCA POLLARD
114 NOLAN DR
GEORGETOWN TX 78628-4932

LARRY RICKEL
108 WHITETAIL LN
HUTTO TX 78634-5026

TIMOTHY SCOTT
RIVERS CROSSING PROPERTY OWNER
208 COMMERCE BLVD
ROUND ROCK TX 78664-2299

KATHY PORTER
224 SYLVAN ST
HUTTO TX 78634-3282

PAMELA J RICKEL
108 WHITETAIL LN
HUTTO TX 78634-5026

BRIAN SECOR
1900 COUNTY ROAD 130
HUTTO TX 78634-3142

TINA PORTER
100 BRAZOS DR
HUTTO TX 78634-4436

CAROLYN & RONALD RUSSELL
1420 COUNTY ROAD 130
HUTTO TX 78634-3140

KEITH SEIDEL
125 SYLVAN ST
HUTTO TX 78634-3281

RANDY PULLIN
100 PECOS DR
HUTTO TX 78634-4438

DEBRA RUSSELL
302 SYLVAN ST
HUTTO TX 78634-3292

BOBBY SEIFERMAN
1712 APACHE TRL
ROUND ROCK TX 78664-7810

RONNIE QUINTANILLA-PEREZ
114 LONE STAR BLVD
HUTTO TX 78634-4345

JACI & MIKE SAMUELSON
101 WILLOWBROOK DR
HUTTO TX 78634-5107

BOB & SUSIE SHARP
102 PECOS DR
HUTTO TX 78634-4438

ADAY RAMIREZ
220 RINEHARDT ST
HUTTO TX 78634-3291

GINA SAWYER
116 BRAZOS DR
HUTTO TX 78634-4436

ELIZABETH SHARPE
9551 FM 1660
HUTTO TX 78634-4309

DAVID REAVES
632 ESTATES OF BRUSHY CREEK DR
HUTTO TX 78634-5131

MICHAEL & VICTORIA SCARPITTI
108 BROOKE ST
HUTTO TX 78634-5076

LINDA SHOTWELL
405 WILLOWBROOK DR
HUTTO TX 78634-5158

A. & GERALDINE SPILLAR
104 BRAZOS DR
HUTTO TX 78634-4436

CAYLEE TERRY
TEXAS CAMPAIGN FOR THE ENVIRONMENT
611 S CONGRESS AVE STE 200
AUSTIN TX 78704-1700

ROMY TRIBIANA
110 BRAZOS DR
HUTTO TX 78634-4436

GREG STANTON
200 BLANCO DR
HUTTO TX 78634-4469

CODEE TERRY
TEXAS CAMPAIGN FOR THE ENVIRONMENT
611 S CONGRESS AVE STE 200
AUSTIN TX 78704-1700

BARBARA & TOM TUCKER
127 BLANCO DR
HUTTO TX 78634-4441

RHONDA STANTON
200 BLANCO DR
HUTTO TX 78634-4469

REGI TERRY
TEXAS CAMPAIGN FOR THE ENVIRONMENT
611 S CONGRESS AVE STE 200
AUSTIN TX 78704-1700

CHRISTI & JOHNNY VACCA
209 BLANCO DR
HUTTO TX 78634-4469

CHARLES & DOLORES STEINOCHER
101 GUADALUPE
HUTTO TX 78634-4443

SHAWN TERRY
TEXAS CAMPAIGN FOR THE ENVIRONMENT
611 S CONGRESS AVE STE 200
AUSTIN TX 78704-1700

CARLOS & SONIA VEGA
200 BROOKE ST
HUTTO TX 78634-5086

SANDRA K STINE
226 SYLVAN ST
HUTTO TX 78634-3282

SHAWN TERRY
105 SYLVAN
HUTTO TX 78634

DOMINIC & LINDA VILLARREAL
108 PECOS DR
HUTTO TX 78634-4438

CASSIE STRONKEY
201 MALLARD CV
HUTTO TX 78634-4426

LAUREN B TESH
223 SYLVAN ST
HUTTO TX 78634-3282

SHARON WAHLSTROM
105 TWILIGHT WAY
HUTTO TX 78634-5146

DONALD & TAMMY S STROP
302 SAN JACINTO
HUTTO TX 78634-4447

JANICE THOMAS
3109 CUTAWAY CV
ROUND ROCK TX 78681-3812

GERALDINE WALKER
109 BRAZOS DR
HUTTO TX 78634-4436

FERNANDO SUAREZ
104 HYLTIIN ST
HUTTO TX 78634-5284

ADOLFO GERMAN TILITZKY
TEXAS CAMPAIGN FOR THE ENVIRONMENT
611 S CONGRESS AVE STE 200
AUSTIN TX 78704-1700

DELANNA WAMPLER
115 MUSTANG DR
HUTTO TX 78634-4435

STEVE SWARTZ
111 SAN JACINTO
HUTTO TX 78634-4444

CARMEN ARCE TILITZKY
TEXAS CAMPAIGN FOR THE ENVIRONMENT
611 S CONGRESS AVE STE 200
AUSTIN TX 78704-1700

NANCY WARD
228 SYLVAN ST
HUTTO TX 78634-3282

RAEJEAN TARRANT
115 BRAZOS DR
HUTTO TX 78634-4436

SHIRLEY TOWNSEND
1903 SHADOWBROOK CIR
ROUND ROCK TX 78681-7138

SHAWNTELL R WATSON
129 BROWN ST
HUTTO TX 78634-3283

EDNA & GERALD WHITE
208 BROOKE ST
HUTTO TX 78634-5086

DAI & JEFF WIGFIELD
1001 WILD OAK TRL
HUTTO TX 78634-3275

VICKI WIGFIELD
1001 WILD OAK TRL
HUTTO TX 78634-3275

PHILLIP & REBECCA WORTHEY
5777 COUNTY ROAD 100
HUTTO TX 78634-3010

FRANNE & JOHN WYBLE
113 BRAZOS DR
HUTTO TX 78634-4436

JOHN WYBLI
113 BRAZOS DR
HUTTO TX 78634-4436

PATRICIA ZIMMERMAN
105 CREEKSIDE DR
HUTTO TX 78634-3410

Proposed TCEQ Permit No. MSW-1405B

Application by
WILLIAMSON COUNTY for proposed
TCEQ Permit No. MSW-1405B

§
§
§
§
§

Before the
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2005 JAN - 6 PM 08
CHIEF CLERKS OFFICE

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
(Land-Use Compatibility Determination)

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on Parts I and II of the application by Williamson County (Applicant), for proposed Permit Number MSW-1405B (amending MSW-1405A) and on the Executive Director's land-use compatibility determination. The Executive Director has prepared this response to all timely, relevant and material, or significant comments. The Office of Chief Clerk timely received oral or written comments from:

Abele, Spencer
Afflerbach, Fred
Allen, Nancy
Alvarez, M.
Arce, Bonnie
Arce, Gabrielle
Arce, Salvador
Arce, Sharon
Arce, Silvio Jose
Arce, II, Silvio Jose
Arieman, Sherry
Arnett, Bert
Arnett, Kim
Arnett, II, Mahlon E.
Arnett, III, Mahlon E.
Arnett, Roberta R.H.
Bary, Steven & Donna
Baxter, Ed
Blackwell, Candice
Brandt, Amanda
Brandt, B.
Brandt, Marcia
Brandt, S.

Braun, Clay
Brock, Marianne
Bruce, Yvette, Rivers Crossing
Homeowners Association
Campbell, Robin, Rivers Crossing
Homeowners Association
Coronado, Melissa
Darley, Lis
Denby, David
Dentler, J.R.
Doherty, Delores
Ehrleih, Gary
Evans, Evelyn
Evans, Orlynn
Evans, Vennie
Fredrick, Anthony
Fredrickson, Christal
Fuessel, Norman
Fulton, Shaylena
Gallaway, Dawn & David
Grose, Judy
Grose, Lesha
Grose, Timothy

Halbardier, Dwayne & Sarah
Hicks, Beth
Hill, Leticia
Hillyer, Jasca
Inskeep, Joe P.
James, David
King, Gale
King, Priscilla M.
Knapp, Sheila
Kokurek, Karen, Rivers Crossing
Homeowners Association
Kriczky, Nick, Rivers Crossing
Homeowners Association
Leggett, Catherine
Leigh, Chance
Lindley, Sherry L.
Mack, Jvon & Eula
Madrid, Felix
Madrid, Jennifer
Martinka, Jennifer
Martinka, Chad
Matlock, Tammy & Edward
Matthews, R.A. & Alan
McAtee, Susan
McCormick, Kathy
McCoy, Scott & Shelly
Melton, Glen
Melton, Vicki
Moore, Anthony
Mulligan, Linda E.
Myers, Jerry & Evajo
Odom, Alton Milton
Olivares, Joe
Petroski, Thomas J.

Phillips, Paul I.
Pullin, Randy
Reaves, David
Samuelson, Mike & Jaci
Scarpitti, Michael & Victoria
Schirmer, Dawn
Schneider, Robin (Texas Campaign
for the Environment)
Shotwell, Linda
Simo, Katrina
Stanton, Greg
Stanton, Rhonda
Stine, Sandra
Stronkey, Cassie
Strop, Donald & Tammy
Suarez, Fernando
Terry, Caylee
Terry, Codee
Terry, Regi
Terry, Shawn
Tilitzky, Adolfo German
Tilitzky, Carmen Arce
Tribiana, Romy, Rivers Crossing
Homeowners Association
Vega, Carlos & Sonia
Wahlstrom, Sharon
Wampler, DeLanna
Watson, Shawntell
White, Gerald & Edna
Wigfield, Jeff & Dai
Wigfield, Vicki
Williamson, Mary
Worthy, Phillip & Rebecca
Zimmerman, Patricia

and one Concerned Citizen. Orlynn Evans timely submitted a written petition commenting on the application and signed by the following:

Akridge, J. L.
Alcojer, Julian
Arce, Jose
Arce, Bonnie

Baker, Stephen
Baker, Cindy
Ballard, Terry
Barrera, Nereida

Barrera, Ronato
Belmares, Angela
Belmares, Ben
Bennett, Joyce
Beyers, Gary
Biddle, Shannon
Blair, Cathy
Bledsoe, Horace
Bounds, Eric & Mary
Boutwell, Phillip
Bowers, LeAnn
Bowling, Alison
Brandenburg, David
Bruce, Yvette
Caldwell, Mildred
Campbell, Robin
Carter, Johnathan & Amanda,
Casey, Jeff
Casey, Karen
Cedillos, Jessica
Chilobe, Martin
Chilobe, Cora
Clawson, Daniel
Colmenero, Annette
Connell, Mike
Connell, Tonya
Crislip, Margaret
Crislip, Aleda
Denby, David
Denby, Sue
Doyle, Heath & Sandy
Drennan, Robert
Durham, James
Durham, Debbie
Eggeling, Jon
Ellis, Karen L.
Evans, Evelyn
Evans, Orlynn
Ferguson, Richard
Fisk, Theron T.
Fisk, Liz
Fowler, Brenda

Frazier, Amanda
Furry, Charles
Gallegos, Felix
Garbacon, Brian
Garcia, Jerry
Geil, Rebecca
Geil, Steve
Gonzales, Chris
Gonzales, Matt
Gonzales, Rosie
Gonzales, Jennifer
Halbardier, Dwayne & Sarah
Hanly, Laurie & Brendon
Harrod, Paul
Havelka, Janet
Havelka, Randy
Hunt, Brandon
Huntington, Darren & Cynthia
Hurtado, Delores & Carlos
Johnson, Shannon
Johnson, Faith A.
Johnson, Doris
Kelleher, Brenette
Kettleman, Sharon
Kettleman, James
Keys, Parthenia
King, Kippy
King, Doris
Kinnaman, Dave
Knippa, Robin
Kriczky, Nick
Kuentler, Scott & Rebecca
Kvapil, Karen
Lee, Blaine
Lee, Leeann
Lindemann, Angelita
Lindemann, II, Edward L.
Mansal, Candice Taylor
Martinez, Dolly
Martinez, Mario
Massey, Connie
Matoch, Brian

McCoy, Shelly
McCoy, Scott
Mears, Sharina
Meek, Doug & Kelly
Meixsell, Jennifer
Melton, Doyle
Merrill, Robert & Elizabeth
Messing, Dale
Messing, Diane
Meyer, Joe
Molt, Kevin & Monica
Montalvo, J.M.
Morgan, Brittany
Moulton, Patricia & Ron
Mroz, Louis K.
Murak, Derrick J.
Neil, Ted & Carol
Nunnally, Todd & Christy
Oliver, Charles E.
Orme, Betty
Orme, Loren
Ottmers, Rhonda
Pachicano, Jr., Arthur
Palma, Sande & Johnny
Parciasepe, Christina
Parsons, Edmond
Perez, Arsilia
Pitre, Greg & Anita
Pollard, Rebecca
Porter, Kathy
Porter, Tina
Pullin, Randy
Quintanilla, Jesus M.
Ramirez, Aday
Reaves, Daw
Reaves, Elise
Renfro, Pam
Reyes, Jorge
Rickel, Larry
Rickel, Pamela J.

Rivera, Irene
Russell, Debra
Sanchez, Tony
Sanchez, Christi
Sawyer, Gina
Schoener, Marcella
Scott, Timothy
Seidel, Keith
Sharp, Bob & Susie
Skuzza, Deanna
Spillar, Geraldine
Spillar, A. R.
Steinocher, Dolores
Steinocher, Charles
Strop, Donald R.
Swartz, Steve
Tarrant, Raejean
Terry, Shawn
Terry, Tonya,
Tesh, Lauren
Thomas, Janice K.
Tolliver, Jr., Clarence
Townsend, Shirley
Tribiana, Romy
Tucker, Barbara
Tucker, Tom
Vacca, Johnny
Vacca, Christi
Villarreal, Dominic
Villarreal, Linda
Wagner, Diania
Walker, Geraldina L.
Ward, Nancy
Ward, Andrea
Wood, Rhonda
Wybli, John J.
Wyble, Frannie
Ximenez, Trinidad V.
Young, Sammy
Zimmerman, Patricia A.

and three concerned citizens. All petitioners will be referred to in this Response as a group (Petitioners). Any commenter listed in the petition that made comments additional to the comments found in the petition will be referenced by name. This Response addresses all timely, relevant and material, or significant comments received, whether or not withdrawn.

BACKGROUND

Description of Facility

In accordance with 30 TAC §330.61 the Executive Director may process a permit application or partial application to the extent necessary to determine land-use compatibility alone. If the site is determined to be acceptable on the basis of land-use, the Executive Director may consider technical matters related to the application at a later time. Williamson County has submitted Parts I and II of a municipal solid waste permit application in order for TCEQ to make a land-use compatibility determination. The application contemplates vertical and lateral expansion of a currently operating Type I municipal solid waste landfill facility. Proposed Permit No. MSW-1405B would amend existing Permit No. MSW-1405A. The maximum permitted elevation of the landfill would increase by 74 feet under the proposed amendment from 766 feet above mean sea level (msl) to 840 feet above msl. The lateral expansion of the landfill would increase by 373 acres under the proposed amendment from 202 acres to 575 acres. The application does not request a change in the type of wastes to be disposed of at the landfill. The facility disposes of municipal solid waste, Class 1 industrial non-hazardous solid waste (only because of asbestos content); Class 2 and 3 nonhazardous industrial waste; and certain special waste. The initial waste acceptance rate is anticipated to be approximately 1,000 tons per day. The acceptance rate is estimated to eventually increase to 4,100 tons per day. The estimated operating life of the facility is approximately 46 years. The landfill is located on the west side of Farm to Market (FM) 1660 approximately 1-mile north of the FM 1660 and County Road (CR) 133 intersection in Williamson County, Texas.

Procedural Background

Parts I and II of the permit amendment application were received on October 10, 2003, and declared administratively complete on November 21, 2003. Notice of Receipt of Application and Intent to Obtain a Permit (NORI) was published on December 16, 2003 in the Austin American Statesman. The TCEQ Executive Director completed the technical review of the application on April 19, 2004, and prepared a draft order. The Notice of Application and Preliminary Decision (NAPD) was published June 30, 2004 in the Austin American Statesman. A public meeting was held in Hutto, Texas on October 11, 2004 and the comment period closed on the same day. House Bill 801 (76th Legislature, 1999) applies to this application.

Comments Not Related to
Parts I and II (Land-use Compatibility Determination)

The Applicant has submitted Parts I and II of the application and requested that TCEQ make a land-use compatibility determination prior to Applicant's submission of the technical portion of the application (Parts III and IV). Comments submitted during the comment period that ended October 11, 2004 that relate to technical aspects of the proposed landfill will be noted by the Executive Director in this section, but not formally responded to in this Response.

TCEQ received comments on design and safety factors; surface water contamination; leaks from landfill/groundwater contamination; pollution of drinking water; control and prevention of disease vectors, including flies, rodents, mosquitos, and birds that may be attracted to the landfill; visual effects and aesthetics such as planting of trees and shrubs; roadside and windblown trash; special waste; noise, odor, and air pollution; dust control; drainage patterns and storm water; impact on Mustang Creek and protection of nearby water sources (and effect on human health if these waters are degraded); inadequate site geology and hydrology; liner requirements and what to do about older sections that may be "grandfathered"; increase of run-off and flooding; flood plain corrections; flooding and deposition of materials from the creek in backyards; effects on wildlife and contamination of natural habitats; effects on fishing and recreation areas; handling of waste and recycling requirements; handling of landfill gas; damage to roadways; buffer zones; entrance location; slope and erosion control measures; health and safety of area residents and children; adequacy or submission of a site operating plan or site development plan; hours of operation and lights from the facility; daily cover; emergency response plans; whether Applicant is being required to handle waste in most environmentally protective way; inadequate application submitted; inadequate information being requested of Applicant about the origin of the waste deposited at the landfill; tougher legislation required; concern about disposal of toxic waste, paint, computers, and roofing shingles; liability coverage; and protection of private property rights. **Because these issues relate to Parts III and IV of the application, the technical portion not yet submitted or reviewed by TCEQ, the Executive Director is not responding to them in this Response.** If the Commission grants the land-use portion of the application and the Applicant then proceeds by submitting Parts III and IV of the application at a later date, the Applicant will be required to publish notice that will include an explanation of procedures and deadlines. **These comments relating to Parts III and IV of the application must be resubmitted** during a new comment period to be opened in conjunction with TCEQ review of the entire permit application.

COMMENTS AND RESPONSES

COMMENT 1 (Request for More Detail)

Concerned Citizen, Bonnie Arce, Gabrielle Arce, Salvador Arce, Sharon Arce, Silvio Jose Arce, Silvio Jose II Arce, Candice Blackwell, Amanda Brandt, B. Brandt, Marcia Brandt, S. Brandt, Clay Braun, Marianne Brock, Melissa Coronado, Lis Darley, Delores Doherty, Vennie Evans, Christal Fredrickson, Dawn & David Gallaway, Dwayne & Sarah Halbardier, Leticia Hill, Jasca

Hillyer, Catherine Leggett, Sherry L. Lindley, R.A. & Alan Matthews, Scott & Shelly McCoy, Vicki & Glen Melton, Anthony Moore, Linda Mulligan, Jerry & Evajo Myers, Alton Milton Odom, Paul Phillips, Mike & Jaci Samuelson, Michael & Victoria Scarpitti, Dawn Schirmer, Linda Shotwell, Sandra Stine, Cassie Stronkey, Donald & Tammy Strop, Caylee Terry, Codee Terry, Regi Terry, Shawn Terry, Adolfo German Tilitzky, Carmen Arce Tilitzky, Carlos & Sonia Vega, Sharon Wahlstrom, Shawntell Watson, and Gerald & Edna White request that the details about the expansion be disclosed to the public before approval of the application. The Rivers Crossing Homeowners Association (Yvette Bruce, Robin Campbell, Karen Kocurek, Nick Kriczky, and Romy Tribiana) is concerned that TCEQ will grant approval without a detailed land-use plan, before any use or impact details are provided, and without a full and thorough examination.

RESPONSE 1

TCEQ requires an applicant to submit a complete permit application prior to approval of a permit amendment. The application is organized into four parts. 30 TAC §330.50 et seq. sets forth the requirements for each part of the application. The Executive Director may consider the information provided by the Applicant in Parts I and II of the application and make a determination on land-use compatibility prior to submission of Parts III and IV. A land-use compatibility determination is a prerequisite to permit approval but is not a final determination approving the permit.

TCEQ will review the entire application prior to issuing a decision on the proposed permit. To the extent the information is not deemed confidential, the public has or will have access to such information. The Applicant has indicated in its published notice that Parts I and II of the application are available for viewing and copying at the Williamson County Courthouse, 710 South Main Street, Suite 201, Georgetown, Texas 78626-4628, telephone (512) 943-1550. Parts I and II of the application as well as the TCEQ's permit file are available for viewing and copying at TCEQ headquarters, 12100 Park 35 Circle, Bldg. F, Austin, TX 78711, telephone (512) 239-3300. TCEQ requires that Parts III and IV, if submitted, also be made available to the public, the location of which will be published in the same manner as previous notices.

COMMENT 2 (Landfill Standards)

Concerned Citizen, Bonnie Arce, Gabrielle Arce, Salvador Arce, Sharon Arce, Silvio Jose Arce, Silvio Jose II Arce, Candice Blackwell, Amanda Brandt, B. Brandt, Marcia Brandt, S. Brandt, Marianne Brock, Melissa Coronado, Lis Darley, Delores Doherty, Vennie Evans, Christal Fredrickson, Dawn & David Gallaway, Dwayne & Sarah Halbardier, Jasca Hillyer, Catherine Leggett, Sherry L. Lindley, R.A. & Alan Matthews, Vicki & Glen Melton, Anthony Moore, Alton Milton Odom, Paul Phillips, Michael & Victoria Scarpitti, Dawn Schirmer, Linda Shotwell, Cassie Stronkey, Donald & Tammy Strop, Caylee Terry, Codee Terry, Regi Terry, Shawn Terry, Adolfo German Tilitzky, Carmen Arce Tilitzky, Sharon Wahlstrom, Shawntell Watson, Gerald & Edna White and Mary Williamson want modern landfill requirements enforced. Fernando Suarez wants

TCEQ to ensure that all landfill rules and regulations are enforced. Mike & Jaci Samuelson ask whether the most current landfill standards are being required.

RESPONSE 2

This application is a bifurcated application and this Response purports to respond to comments relating only to Parts I and II of the application pertaining to TCEQ's land-use compatibility determination. The landfill design criteria standards the Applicant intends to follow have not been submitted, but will be required if Applicant is granted the land-use compatibility determination and Parts III and IV of the application are subsequently submitted. If submitted, the information provided in the entire permit amendment application will be used to prepare a draft permit. A draft permit will set forth the requirements that the Applicant must meet in order to comply with TCEQ municipal solid waste (MSW) rules and the Texas Health and Safety Code (THSC). A draft permit will require the facility to conform to the latest applicable landfill design criteria standards.

COMMENT 3 (Land-Use)

Concerned Citizen, M. Alvarez, Bonnie Arce, Gabrielle Arce, Salvador Arce, Sharon Arce, Silvio Jose Arce, Silvio Jose II Arce, Candice Blackwell, Amanda Brandt, B. Brandt, Marcia Brandt, S. Brandt, Marianne Brock, Melissa Coronado, Delores Doherty, Evelyn, Evans, Anthony Fredrick, Christal Fredrickson, Dawn & David Gallaway, Dwayne & Sarah Halbardier, Leticia Hill, Jasca Hillyer, Catherine Leggett, Sherry L. Lindley, R.A. & Alan Matthews, Jvon & Eula Mack, Scott & Shelly McCoy, Vicki & Glen Melton, Anthony Moore, Alton Milton Odom, Paul Phillips, Michael & Victoria Scarpitti, Dawn Schirmer, Linda Shotwell, Sandra Stine, Cassie Stronkey, Donald & Tammy Strop, Caylee Terry, Codee Terry, Regi Terry, Shawn Terry, Adolfo German Tilitzky, Carmen Arce Tilitzky, Carlos & Sonia Vega, Sharon Wahlstrom, Shawntell Watson, Gerald & Edna White, and Mary Williamson believe the landfill expansion is not compatible with surrounding land-use. Yvette Bruce, Robin Campbell, Karen Kocurek, Nick Kriczky, and Romy Tribiana are concerned that TCEQ will grant approval without a detailed land-use plan. Robin Schneider and Rhonda Stanton further state that the area is residential and agricultural, not industrial, and that the landfill would be incompatible with surrounding drainage, pipeline and utility easements. Dwayne Halbardier requests TCEQ to fit the landfill into the existing contour and residential use of the surrounding area. J.R. Dentler, Robin Schneider, Rhonda Stanton and Nick Kriczky object to the proposed height of the landfill, and comment that the proposed landfill expansion will be visually incompatible with the surrounding landscape, or residential and agricultural uses. Nick Kriczky and Scott & Shelly McCoy ask what measures will be taken to beautify and/or screen the landfill facility from its neighbors. Nancy Allen requests detailed land utilization information.

RESPONSE 3

TCEQ may process a partial permit application and hold a public meeting on land-use compatibility alone pursuant to Texas Health and Safety Code (THSC) §361.069 and as prescribed by rule:

30 TAC §330.61. Land-Use Public Hearing. The executive director may process a permit application or partial application to the extent necessary to determine land-use compatibility alone. If the site is determined to be acceptable on the basis of land-use, the executive director may consider technical matters related to the application at a later time. When this procedure is followed, an opportunity for a public hearing will be offered for each determination in accordance with [Chapter 39 Subchapter I](relating to Notice of Application).

In order for TCEQ to make a land-use determination the Applicant is required to submit Parts I and II of the MSW facility application.

30 TAC §330.51. Permit Application for Municipal Solid Waste Facilities.

(a) Permit application. The application for a municipal solid waste facility is divided into Parts I-V. [...] If the executive director determines that a "Land-Use Only Public Hearing" as described in §330.61 of this title (relating to Land-Use Public Hearing) is appropriate, the owner or operator shall submit a partial application consisting of Parts I and II of the application. A complete application, consisting of parts I-IV of the application, shall be submitted based upon the results of the "Land-Use Only Public Hearing." [...]

(1) [...]

(2) Part II of the application shall describe the existing conditions and character of the site and surrounding area. Part II of the application shall consist of the information contained in §330.53 of this title (relating to Technical Requirements of Part II of the Application). An applicant must submit Parts I and II of his application before a Land-Use Public Hearing is conducted in accordance with §330.61 of this title (relating to Land-Use Public Hearing).

TCEQ rules state that "a primary concern" in considering land-use compatibility "is that the use of any land for a municipal solid waste site not adversely impact human health or the environment. The impact of the site upon a city, community, group of property owners, or individuals shall be considered in terms of compatibility of land-use, zoning in the vicinity, community growth patterns, and other factors associated with the public interest." 30 TAC 330.53(b)(8). To this end, the Applicant must submit the following information that specifically relates to land-use:

1. zoning at the site and in the vicinity, 30 TAC 330.53(b)(8)(A);
2. county land-use ordinances, Health and Safety Code §§ 363.112, 364.012;

3. character of surrounding land-uses within one mile of the proposed facility, 30 TAC 330.53(b)(8)(B);
4. growth trends of the nearest community with directions of major development, 30 TAC 330.53(b)(8)(C);
5. proximity to residences and other uses (e.g., schools, churches, cemeteries, historic structures and sites, archaeologically significant sites, sites having exceptional aesthetic quality, etc.), 30 TAC 330.53(b)(8)(D);
6. conformance with COG plan goals relating to land-use, Health and Safety Code § 363.066;
7. other traditional land-use factors associated with the public interest, 30 TAC 330.53(b)(8).

Some application items relate to compatibility with surrounding land-uses, but will be submitted in Parts III and IV of the application. These items will be considered during review and preparation of the draft permit and modifications may be made to the application and placed in the draft permit based on land-use compatibility. They may include:

1. geographic boundaries of the proposed site and the proposed landfill;
2. maximum height of the proposed landfill;
3. areal extent of the proposed landfill (i.e. # of acres);
4. the expected life of the facility;
5. size of any proposed buffer zones;
6. details of any proposed screening;
7. proposed hours of operation;
8. transportation and traffic (see Response 4);
9. the impact of the facility upon airports in accordance with 30 TAC §330.300; and
10. any other factors that the applicant believes may minimize the impact of the landfill upon surrounding uses.

Based on review of Parts I and II of the application, the Executive Director has determined that the proposed landfill expansion is compatible with surrounding land-uses.

Land utilization information for the areas near the landfill, may be found in the application materials, which are on file at the Williamson County Courthouse (see Response 1).

COMMENT 4 (Traffic)

Spencer Abele, Bert Arnett, Kim Arnett, Mahlon E. Arnett II, Mahlon E. Arnett III, Roberta R.H. Arnett, Clay Braun, Gary Ehrlich, Shaylena Fulton, Sheila Knapp, Nick Kriczky, Scott & Shelly McCoy, Michael & Victoria Scarpitti, Robin Schneider, Greg & Rhonda Stanton, Donald & Tammy Strop, Delanna Wampler, Jeff & Dai Wigfield, and Patricia Zimmerman are concerned about busy yards, increased traffic, the adequacy of roads, and/or road safety. Randy Pullin is especially concerned for the safety of teenage drivers, elderly drivers and children in school buses. Orlynn

Evans is concerned that the traffic projection calculations are inaccurate or misleading. Rhonda Stanton is concerned for the safety of her children when they reach driving age, and feels the roads are not designed to handle the increased traffic that will be attributable to the expansion.

RESPONSE 4

TCEQ's consideration of traffic in the MSW permitting process is required by rule. The land-use statute in Texas Health and Safety Code (THSC) §361.069 gives TCEQ the authority to consider traffic, and that authority is governed by the following rules:

- a. 30 TAC §330.53(b)(9) requires that applicants provide data on the availability and adequacy of roads that will provide access to the site; the volume of vehicular traffic on access roads within one mile of the proposed facility, both existing and expected, during the expected life of the proposed facility; and the volume of traffic expected to be generated by the facility on the access roads within one mile of the proposed facility;
- b. 30 TAC §330.11(b) states that if primary access to a proposed facility is provided by a state maintained highway, the TCEQ must solicit a recommendation from TxDOT regarding the adequacy and design capacity of the roadway to safely accommodate the additional volumes and weights of traffic expected to be generated by the facility; and
- c. 30 TAC §330.51(b)(6)(c) requires that applicant submit documentation of coordination with TxDOT for traffic and location restrictions.

TCEQ and Applicant coordinated with TxDOT during the permit review process by requesting a review of the Applicant's plans. TCEQ received a response from TxDOT indicating that they had no objection to the proposed amendment.

The Applicant provided 1999 TxDOT data on two-way, 24-hour daily traffic volumes in the vicinity of the landfill. Traffic volumes were available on FM 1660 north of CR 100 and south of the San Gabriel River. The information indicates 1150 vehicles per day (vpd) south of the site and 900 vpd north of the site which include traffic from landfill activities. The majority of the landfill traffic will enter the site from the south. The Applicant submitted projected traffic counts based on an estimated 3.4% annual traffic increase. Applicant anticipates that traffic associated with the landfill will increase at approximately the same rate as the population growth which is projected by the Capital Area Planning Council (CAPCO) to be approximately 3.4 percent per annum.

TCEQ reviews information submitted in an application for accuracy and, if information is inaccurate, misleading or suspect, we may request the Applicant to correct the information and/or clarify. No correction or clarification of information was considered necessary in this case.

The adequacy of the Applicant's site operating plan, including whether operations are conducted reasonably safely, will be addressed if the Applicant is granted a land-use compatibility determination and subsequently submits Parts III and IV of the permit amendment application.

COMMENT 5 (Compliance History)

Petitioners, Nancy Allen, Evelyn Evans, Beth Hicks, Nick Kriczky, Robin Schneider, and Sandra Stine state that Waste Management (Operator) has a poor track record for environmental compliance. Beth Hicks asks if residents can trust the Applicant and Operator given their track record. Evelyn Evans comments that the Operator has stacks of fines in Texas and other states for environmental noncompliance and the landfill is not a good neighbor. Nick Kriczky states that Waste Management has an extensive background of violating environmental policies, including at its Austin landfill, allowing liquid in a landfill to rise more than 12 inches above the landfill liner, failure to properly operate a landfill gas collection system, failure to properly operate and maintain pollution/emission capture equipment and abatement equipment, an odor violation, allowing an unauthorized discharge of waste, and reporting and record keeping violations. Robin Schneider requests that a compliance history be run on Waste Management, and the permit either be denied based on the Operator's compliance history or special conditions be added to any proposed permit to assure that legitimate uses of surrounding lands are not limited by the landfill.

RESPONSE 5

30 TAC §60.3 allows TCEQ to deny a permit based on a poor compliance history. Compliance histories were compiled using TCEQ's Office of Compliance and Enforcement database for the Williamson County Landfill site, Williamson County as the owner of the facility, and Waste Management of Texas, Inc. as operator of the facility. TCEQ's enforcement database reflects no outstanding, uncorrected compliance issues for the site. The Applicant's compliance history reveals no outstanding, uncorrected violations. The Operator's compliance history does indicate outstanding violations at other sites in Texas, and has recently been fined as a result of violations at its East Austin landfill. However, Waste Management is considered an average performer for environmental compliance purposes. This rating is calculated using the factors set forth in 30 TAC Chapter 60. The Applicant is also rated as average, and the landfill site is rated a high performer.

TCEQ will address the need for any special provisions in the permit when reviewing Parts III and IV of the permit application. TCEQ does not have information relating to Waste Management's environmental compliance record in other states.

COMMENT 6 (CAPCO Recommendations)

Orlynn Evans and Thomas Petroski are concerned that CAPCO has not offered its recommendations on whether the application conforms to the Regional Solid Waste Management Plan (RSWMP). Robin Schneider states that the expansion will not be compatible with the RSWMP.

RESPONSE 6

The information on growth trends collected by the Applicant was sent to CAPCO for their comment as per TCEQ rules. CAPCO has indicated that it will not provide comment until Parts III and IV of the application can be reviewed. TCEQ will review CAPCO's comments when received and will take CAPCO's position into consideration during review of the technical portion (Parts III and IV) of the application if a land-use compatibility determination is granted. The Applicant must submit demonstration of compliance with the RSWMP prior to permit approval as per 30 TAC §330.51(b)(10).

COMMENT 7 (Public Notice)

Bert Arnett, Kim Arnett, Mahlon E. Arnett II, Mahlon E. Arnett III, Roberta R.H. Arnett, Clay Braun, Michael & Victoria Scarpitti, and Carlos & Sonia Vega claim there was a lack of public notice and want the right to hear about and comment on expansion of the Landfill. Mahlon E. Arnett II comments that citizens cannot be properly noticed of this type of action by publishing notice in only one newspaper because notice will not reach everyone in the general area. Nick Kriczky is concerned that the Applicant chose the bifurcated application process in order to push the application through without full input from the public. David Reaves is concerned that there was inadequate public access to the process because of the way the notices were filed, was concerned that the first opportunity for real public comment is at the closing of public comment, and comments that no public meeting would have been held without the State Representative's request. Delanna Wampler expressed a similar concern, and Jerry & Evajo Myers asks why a public meeting is not required. Petitioners state that some stakeholders were not aware of the expansion request and have not had the time to investigate the ramifications.

RESPONSE 7

The NORI was published December 16, 2003 in the Austin American Statesman. It was published in accordance with 30 TAC §39.501(c) and other applicable TCEQ rules, which require publication of notice in the newspaper of largest circulation in the county in which the facility is located or proposed to be located. The NORI is also mailed by the chief clerk to persons listed in 30 TAC §39.413, including state and local officials, the state senator and representative who represent the general area in which the facility is located, persons who have commented on the application, persons on the chief clerk's mailing list compiled pursuant to 30 TAC §39.407, and to persons on the landowner list submitted with the application, which is required to include property owners within 500 feet of the site.

The NAPD was published June 30, 2004 in the Austin American Statesman in accordance with 30 TAC §39.501(d) and other applicable TCEQ rules, which require publication of notice at least once in the same newspaper as the Notice of Receipt of Application and Intent to Obtain Permit. The NAPD is also mailed by the chief clerk to persons listed in 30 TAC §39.413, including persons on the landowner list submitted with the application, which is required to include property owners within 500 feet of the site.

Notice of the public meeting was published September 20, 27, and October 4, 2004 in the Austin American Statesman. It was published in accordance with 30 TAC §39.501(e) and other applicable TCEQ rules. The notice of public meeting is also mailed by the chief clerk to persons listed in 30 TAC §39.413, including persons on the landowner list submitted with the application, which is required to include property owners within 500 feet of the site.

The bifurcated application process allows for more opportunities for public participation than a standard, unified application would provide. If a land-use compatibility determination is granted, the Applicant will be required to repeat the publication and notification procedures that have already been followed, and will be subject to a second round of public comment and a potential public meeting.

The comment period closes the later of 30 days after publication of the NAPD, or at the conclusion of a public meeting, if held. In this instance the public meeting extended the comment period beyond 30 days after publication and held the public comment period open for a total of 121 days.

Public meetings are held on this type of permit when the Executive Director concludes that there is a substantial or significant degree of public interest in the matter, or upon request by a Senator or Representative of the area. In this case, Representative Krusee requested the public meeting and, therefore, no determination was made as to whether there was sufficient interest in the matter to warrant a public meeting.

COMMENT 8 (Expansions Near Water Sources)

Nancy Allen, Anthony Fredrick, Judy Grose, Lesha Grose, Timothy Grose, Felix Madrid, Jennifer Madrid, Jennifer Martinka, Chad Martinka, Jvon & Eula Mack, Kathy McCormick, Paul Phillips, Donald & Tammy Strop, Fernando Suarez, and Carlos & Sonia Vega state that landfill expansion should be limited on or near water sources.

RESPONSE 8

State law does not require that landfills be located a specified distance from surface water. TCEQ will, however, require that water sources, including surface water, be protected. Specific measures needed to protect water sources will be identified during review of Parts III and IV of the application if a land-use compatibility determination is granted and the Applicant proceeds. In regards to groundwater, 30 TAC Chapter 330 Subchapter H contains design criteria aimed at the protection of groundwater. Surface drainage management will be designed and constructed in and around the site to control and minimize erosion, surface water running onto, into, and off the treatment area in accordance with §330.55(b)(1) - (8) and §330.56(f).

Local zoning laws may prohibit landfills in certain locations, but no such laws would affect the location of this landfill near Mustang Creek.

COMMENT 9 (Property Values)

Fred Afflerbach, Dawn & David Gallaway, Sheila Knapp, Nick Kriczky, Chance Leigh, Tammy & Edward Matlock, Scott & Shelly McCoy, Jerry & Evajo Myers, Katrina Simo, Greg & Rhonda Stanton, and Jeff & Dai Wigfield are concerned about the landfill expansion's effect on property values, marketability of property, and future development in the area. Sheila Knapp, Chance Leigh, and Katrina Simo expressed concern about high taxes.

RESPONSE 9

TCEQ has no authority under the THSC to consider property values when reviewing permit applications. While the THSC does allow the consideration of economic development for proposed industrial and hazardous waste facilities it does not provide TCEQ authority to consider such things in relation to municipal solid waste facilities.

TCEQ has no authority under the THSC to consider the local tax rate when reviewing an MSW application.

COMMENT 10 (General Opposition)

Spencer Abele, Fred Afflerbach, Bert Arnett, Kim Arnett, Mahlon E. Arnett II, Mahlon E. Arnett III, Roberta R.H. Arnett, Ed Baxter, Joe P. Inskeep, David James, Gail King, Catherine Leggett, Tammy & Edward Matlock, and Scott & Shelly McCoy expressed a general concern or general opposition to expansion of the landfill. Judy Grose, Lesha Grose, Timothy Grose, Felix & Jennifer Madrid, and Jennifer & Chad Martinka stated that this will be the largest landfill in Texas.

RESPONSE 10

TCEQ is tasked by the legislature to regulate the disposal of municipal solid waste within the State. Authorizations issued by TCEQ must meet all relevant statutory and regulatory requirements. Permit provisions together with TCEQ rules help ensure that human health and safety are protected and water quality is maintained. The land-use compatibility portion of the application has been reviewed by TCEQ staff and an initial determination has been made that the proposed amendment requesting expansion is compatible with surrounding land-uses.

If the expansion is approved, the proposed permitted area will encompass 565 acres. Approximately 500 acres within this permitted area will be used for waste disposal. A typical landfill in Texas encompasses between 100 - 250 acres. The largest landfills in Texas contain 1200-1500 acres.

COMMENT 11 (Effect on Natural Habitats / Endangered Species)

Anthony Fredrick and Jvon & Eula Mack request analysis of the effect of the expansion on wildlife. Catherine Leggett is concerned about contamination of natural habitats. Robin Schneider comments that the endangered species evaluation is not adequate.

RESPONSE 11

The Applicant has adequately addressed endangered species and their natural habitats as required by 30 TAC §330.53(b)(13). The United State Department of the Interior - Fish and Wildlife Service (FWS) and the Texas Parks and Wildlife Department (TPWD) were contacted so that they may assess the effects of the proposed expansion on species federally listed or proposed for listing as threatened or endangered. FWS responded by stating that they did not anticipate the landfill expansion would adversely affect endangered species or their critical habitats. TPWD also stated that they did not anticipate adverse impacts to any rare, threatened, or endangered species as a result of the proposed expansion.

A biological assessment of the proposed site was performed by the Applicant to determine the effect of the proposed development on endangered or threatened floral and faunal species. Field reconnaissance was also performed and revealed the presence of no endangered or threatened species or their critical habitat.

COMMENT 12 (Regional Options to Expansion)

Catherine Leggett questions the need for the expansion and suggests that Applicant explore other regional options rather than expanding this landfill. Priscilla King asks if there are alternatives to expansion. Ed Baxter, Greg Stanton, and Phillip & Rebecca Worthy state that the landfill expansion is not needed. Petitioners state that the requested expansion is far in excess of that which will be needed to meet the growth of Williamson County.

RESPONSE 12

TCEQ is authorized by the THSC to review land-use compatibility and ensure that the design and operation of a landfill is protective of human health and the environment. TCEQ has no authority under the THSC to require an applicant to explore other regional options or alternatives.

TCEQ relies on CAPCO's assessment of regional need. CAPCO has indicated that it will not provide comment until Parts III and IV of the application can be reviewed. TCEQ will review CAPCO's comments when received and, if a land-use compatibility determination is granted, will take CAPCO's position into consideration during review of the technical portion (Parts III and IV) of the application.

COMMENT 13 (Private Property Rights)

Anthony Fredrick, Judy Grose, Lesha Grose, Timothy Grose, Felix & Jennifer Madrid, Jennifer & Chad Martinka, Kathy McCormick, Linda Mulligan, Fernando Suarez, and Carlos & Sonia Vega request that citizen's private property rights be protected, and TCEQ require Applicant to work with neighbors to protect their property rights. Robin Schneider and Rhonda Stanton state that the landfill will interfere with the use and enjoyment of surrounding lands and homes. Jeff &

Dai Wigfield state that they want to be able to ride horses and their children should be able to play outside without such a neighbor.

RESPONSE 13

TCEQ is tasked by the legislature to regulate the disposal of municipal solid waste within the State. Authorizations issued by TCEQ must meet all relevant statutory and regulatory requirements. TCEQ does not have sufficient jurisdiction over the Applicant to require negotiations or cooperation with neighbors on property rights issues. However, a permit, if issued, will not limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of his property.

COMMENT 14 (Promote Smaller Landfills)

Kathy McCormick states that TCEQ should promote smaller landfills because large landfills are more likely to damage water sources.

RESPONSE 14

TCEQ regulates small and large landfills in the state and does not maintain statistics that would reveal whether large landfills are more likely to cause damage to water sources. The design and operation of a landfill, whether large or small, will dictate whether the environment around a landfill will be protected. For instance, a groundwater monitoring system and groundwater protection plan will be reviewed for sufficiency if Applicant submits Parts III and IV of the Application, which will be designed to detect any leachate leakage from the landfill prior to contamination of water sources.

COMMENT 15 (Park Nearby)

Kathy McCormick states that a new park next to the landfill expansion makes the expansion location unsuitable.

RESPONSE 15

Recreation facilities within a one mile radius of the permitted boundaries must be indicated in the permit application in accordance with 30 TAC §330.53(b)(8)(B). The information provided in the application indicates that no recreational areas are currently located within one mile of the site.

COMMENT 16 (Poor Land-Use Planning)

Kathy McCormick states that the placement of the landfill exhibits poor planning. Norman Fuessel objects to a landfill being placed on prime farmland. Dwayne Halbardier requests that

landfills be placed where the least amount of impact will result. Vicki Wigfield asks that the landfill be moved.

RESPONSE 16

TCEQ's authority over the placement of a landfill or land-use planning for areas within the state is limited to items within the bounds of the land-use compatibility determination, primarily set forth in 30 TAC §330.53(b)(8). TCEQ does not have authority to deny a permit based generally on poor planning, a poor location, or whether there is a higher or alternative use for a proposed landfill location. To the extent that such authority exists, it is reserved to county governments and regional planning authorities.

COMMENT 17 (Quality of Life)

Scott & Shelly McCoy and Jeff & Dai Wigfield state that neighboring residents' quality of life will be affected.

RESPONSE 17

TCEQ has no authority under the THSC to consider quality of life when reviewing permit applications. Solid waste permits, however, do not allow the permit holder to create or maintain a nuisance that interferes with a landowner's use and enjoyment of his property. A permit does not limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of his property.

COMMENT 18 (S.H. 130)

Scott & Shelly McCoy asked whether the proposed landfill expansion is being coordinated with the construction of State Highway 130.

RESPONSE 18

State Highway 130 is currently under construction and the proposed route is in the vicinity of the landfill. TCEQ is not aware of efforts to coordinate the construction of S.H. 130 with the landfill expansion. The Applicant has not indicated any such coordination in their application and TxDOT did not mention any concerns that relate to the construction of the S.H. 130 in the letter of coordination received by TCEQ on this permit application. Outside the letter of coordination and concerns that may be raised therein, TCEQ does not require permit applicants to coordinate their activities with highway projects.

COMMENT 19 (Expansion Location)

Scott & Shelly McCoy requested information on the exact location of the expansion.

RESPONSE 19

The exact location of the expansion is illustrated in Figures 1 through 9 of the application. The proposed landfill facility is located on the west side of FM 1660 approximately 1 mile north of the FM 1660 and CR 133 intersection in Williamson County, Texas. The expansion would extend the eastern boundary of existing landfill to FM 1660. The application is available for viewing and copying at TCEQ headquarters, 12100 Park 35 Circle, Bldg F, Austin, TX 78711, telephone (512) 239-3300 and at the Williamson County Courthouse, 710 South Main Street, Suite 201, Georgetown, Texas 78626-4628, telephone (512) 943-1550.

COMMENT 20 (Protection of Neighbor's Rights)

Mike & Jaci Samuelson asked how the rights of landfill neighbors are being protected.

RESPONSE 20

Pursuant to state law and TCEQ's rules, the owners of property within 500 feet of the landfill are entitled to receive notices relating to the application (See Response 7). In addition, all members of the public have the right to submit comments on the application and draft permit and have those comments considered. Members of the public have the right to file a Request for Reconsideration or a request for a contested case hearing on the application. If a hearing is granted on the application, the parties to the hearing have the opportunity to present evidence on any issue referred to hearing by the Commission.

COMMENT 21 (Citizen Vote / Posting of Public Notice)

Kathy McCormick stated that the details about the landfill should be posted by public notice and citizens should be given a chance to vote on its location.

RESPONSE 21

30 TAC 39.411(b)(8) requires that the text of a public notice set forth the location, at a public place in the county in which the facility is located or proposed to be located, at which a copy of the application is available for viewing. Currently, the posted material only includes parts I and II of the application. If a land-use compatibility determination is granted and the Applicant proceeds, the remainder of the application (Parts III and IV) will also be publicly posted.

Neither State law nor TCEQ rules require a referendum or public vote on the decision to locate a landfill.

COMMENT 22 (Landfills near Communities)

Fernando Suarez states that landfills should be denied when located near communities.

RESPONSE 22

TCEQ does not have authority under the THSC to deny a permit based on its proximity to a center of population. However, TCEQ will review the entire permit application, including Parts III and IV, before making a decision on the permit, and the permit will be issued only if it is protective of human health and safety and the environment.

COMMENT 23 (Operations Contract / Regionalization)

Petitioners, Bert Arnett, Kim Arnett, Mahlon E. Arnett II, Mahlon E. Arnett III, Roberta R.H. Arnett, Orlynn Evans, Beth Hicks, and Nick Kriczky referenced a change in the contract between Williamson County and Waste Management that appears to the commenters to allow the landfill to more freely accept waste from counties other than Williamson County and allow it to serve as a regional landfill. Beth Hicks is concerned that the population growth expected for Williamson County does not call for the size of the expansion requested, which is evidence that the Applicant and/or Operator plan for the facility to accept trash from outside the county and act as a regional facility. Ed Baxter and Nick Kriczky are concerned that the Operator and/or Applicant intend the facility to serve as a regional landfill in the future. Greg Stanton states that a regional landfill in Williamson County puts an unfair burden on its residents. Thomas Petrosky and Orlynn Evans point out that the application states that the facility will serve Bell, Burnett, Lampasas, Llano, Mason, Milam, Travis, and Williamson counties. David Denby states that accepting waste from other counties does not serve the long-term interests of Williamson County because it will prematurely fill the landfill. Mahlon E. Arnett II commented that more should be done in order to track where trash is coming from. He believes that the information reported to TCEQ on the origin of trash taken at the landfill is inaccurate and these reports should be audited by TCEQ.

RESPONSE 23

TCEQ is not a party to, nor has jurisdiction over the contract between the Applicant and Waste Management. TCEQ rules require the Applicant to record the quantity and origin of incoming waste, but landfill permits do not regulate whether a landfill may accept waste based on its origin. TCEQ is not aware of inaccurate reports received from the Applicant. Landfill permit applications request information about the anticipated origin of waste to be deposited at the landfill for informational purposes. TCEQ does not regulate a permitted landfill's service area, nor does TCEQ categorize a landfill as regional or otherwise.

COMMENT 24 (Effect on Growth)

Nancy Allen asks what impact the facility will have on the town of Hutto. Nick Kriczky comments that Williamson County is one of the fastest growing areas in the nation, Hutto being one

of the fastest growing cities, and asks how this landfill is going to affect that growth. Dwayne Halbardier, Dawn & David Gallaway, Greg Stanton, and DeLanna Wampler presented similar concerns about its effect on growth and development in the area. Mahlon Arnett commented that in a two mile area or less there are currently over 800 homes, and there are more homes planned for the area. Beth Hicks commented that the population of Williamson County is expected to grow dramatically over a twenty year period. Robin Schneider commented that the expansion would be incompatible with growth trends in the area.

RESPONSE 24

Information on the growth trends of the area surrounding the proposed landfill is required by TCEQ rules. Applicant provided growth trend information obtained from CAPCO's RSWMP 2002-2020. CAPCO has indicated that it will not provide comment on the application until Parts III and IV of the application can be reviewed. TCEQ will review CAPCO's comments when received and, if a land-use compatibility determination is granted, will take CAPCO's position into consideration during review of the technical portion (Parts III and IV) of the application.

COMMENT 25 (Notice of Landfill)

Mahlon Arnett commented that new residents to the area are aware that the landfill is near them, but are not being made aware that the landfill may be permitted to expand to nearly twice its current size. Greg Stanton states that he bought his home with the understanding that the landfill would not be expanded.

RESPONSE 25

The TCEQ's notice requirements in 30 TAC Chapter 39 require that notice of the application and of the Executive Director's preliminary decision on the application be mailed to persons in accordance with 30 TAC §39.413 and published in the paper of largest general circulation in the county where the facility is proposed to be located. These notice requirements were met when Applicant published the NORI in the Austin American Statesman on December 16, 2003, and the NAPD on June 30, 2004 in the Austin American Statesman. The Applicant was also required to provide notice (NORI, NAPD, and notice of public meeting) to property owners within 500 feet of the site as identified in the permit application. TCEQ has no jurisdiction over representations about the future of the landfill made by sellers or third parties.

COMMENT 26 (Road Maintenance)

Randy Pullin is concerned about who will pay for required road maintenance and upgrades due to increases in traffic attributable to the landfill expansion.

RESPONSE 26

Section 330.59(b)(9) of the TCEQ's MSW rules require that permit applications include data on the availability and adequacy of roads that the Applicant will use to access the site, and on the volume of vehicular traffic on access roads within one mile of the proposed facility. The Applicant provided a traffic study in the application that complies with the requirements of section 330.53(b)(9) regarding the adequacy of the roads surrounding the site. The Applicant's traffic study determined that the roads surrounding the proposed facility are adequate to support the increased traffic. The Executive Director determined that the information in the application complied with the TCEQ's rules. The Executive Director has no authority under the THSC to consider road maintenance costs when evaluating an MSW application.

COMMENT 27 (Operator Oversight)

Orlynn Evans is concerned that Williamson County is not properly overseeing the Operator of the landfill.

RESPONSE 27

The TCEQ's role in the landfill permitting process is to ensure that landfill owners and operators operate their facilities in accordance with the TCEQ's rules and with the terms of the facility's permit. As long as this is occurring, the level of oversight exercised by Williamson County over the landfill operator is outside of the TCEQ's jurisdiction.

COMMENT 28 (Operating Life)

Orlynn Evans requests clarification on the expected life of the Landfill. Petitioners state that the remaining life of the current landfill makes the timing of this expansion premature.

RESPONSE 28

The anticipated average disposal rate for the proposed landfill is expected to range from 1,000 tons per day (tpd) initially to 4,100 tpd as population in the area increases. The current population of 360,000 is expected to increase at a rate of 3.4% annually. Based on these factors, the landfill has an approximate site life of 46 years.

TCEQ does not have authority under the THSC to dictate when an applicant may apply for a permit amendment. Permit amendments are reviewed for compliance with TCEQ rules and the THSC when the application is received.

COMMENT 29 (Incomplete / Flawed Application)

Bert Arnett, Kim Arnett, Mahlon E. Arnett II, Mahlon E. Arnett III, Roberta R.H. Arnett, Orlynn Evans, and Robin Schneider are concerned that parts of the application have flaws, omissions, or are incomplete. They are specifically concerned that the Applicant has not diligently

searched out existing wells and/or springs in the area and reported them in the application. Robin Schneider and Orlynn Evans are also concerned about the accuracy of hydrological, geological, and soil information provided in the application. Orlynn Evans is concerned about inadequate maps, design drawings, and photographs; inaccurate landowner list; insufficient showing of competency; inadequate characterization of existing land-uses and growth trends in the area; use of an outdated flood plain map; an inaccurate aquifer description; insufficient showing of financial assurance; and failure to identify the types and volume of wastes to be accepted. Petitioners state that the application provides conflicting information on the extent of the expansion.

RESPONSE 29

Parts I and II of the application were submitted by the Applicant for a land-use determination. 30 TAC Chapter 281 provides TCEQ with authority to return incomplete applications during administrative review or, in certain circumstances, during technical review. TCEQ may also request additional technical information during technical review. To the extent that any such requests were made, adequate responses were received. TCEQ has reviewed these portions of the application and concluded that the Applicant has provided all required elements in accordance with 30 TAC Chapter 330. The Applicant is required to submit accurate information to TCEQ in its permit application or a permit may be denied. If an applicant becomes aware of additional information, or if information in an application changes, the application must be updated accordingly so that TCEQ may consider and base its permitting decision on correct information.

COMMENT 30 (Future Expansions)

Nick Kriczky is concerned that the Landfill will continue to expand in the future, given its history of continuous growth in both height and acreage.

RESPONSE 30

TCEQ rules allow a permitted landfill to request authorization to expand. However, expanding a landfill beyond its currently permitted boundary, either vertically or horizontally, requires a major amendment to the permit. Any future major amendment applications for the Williamson County landfill will include public notice, a comment period, and an opportunity to request a contested-case hearing on the application.

COMMENT 31 (Bifurcated Application)

Bert Arnett, Kim Arnett, Mahlon E. Arnett II, Mahlon E. Arnett III, Roberta R.H. Arnett, and David Reaves are concerned about the cost and efficacy of the bifurcated application process, and believe it is inappropriate not to have all pertinent information available at the time of review. Mr. Reaves asks why this application was determined suitable to be bifurcated. The Arnetts are

concerned that the bifurcated application process allows the details about the expansion to be withheld until it is too late to respond to them.

RESPONSE 31

TCEQ rules allow the Executive Director to consider land-use compatibility prior to submission of the technical portion of the application. In doing so, an applicant is saved the expense of preparing the technical portion of the application in the event that the site is determined to be incompatible with surrounding land-use. A land-use compatibility determination is not a final disposition on the permit but, rather, an initial determination that the location itself does not wholly preclude the siting of a landfill.

COMMENT 32 (Landfill Size)

Dwayne Halbardier asks that the expansion be limited to a portion of the applicant's requested expansion area, or whether TCEQ has guidelines on the size of landfills.

RESPONSE 32

An MSW permit applicant provides TCEQ with the information required in the application, including the permitted site boundaries. TCEQ evaluates the permit application and may request an applicant to reform the boundaries of the proposed site if there is a concern that the application may endanger human health or the environment. The size of the facility that is requested by an applicant will be based on the anticipated acceptance rate, the design of the facility, the length of time the facility will be needed and an evaluation of the overall waste disposal needs for the area. TCEQ defers to regional authorities such as CAPCO for an evaluation of regional need (see Response 12). TCEQ does not have landfill size regulations and does not perform regional solid waste planning.

COMMENT 33 (Hours of Operation)

Orlynn Evans asks what hours of operation the landfill will be required to abide by.

RESPONSE 33

The Applicant is currently authorized to operate Monday through Friday from 5:00 a.m. to 8:00 p.m. and Saturday from 6:00 a.m. to 4:00 p.m. Submission of hours of operation will be required in Part IV of the application.

COMMENT 34 (TCEQ Policies and Goals)

Robin Schneider comments that approving the proposed expansion would be inconsistent with TCEQ's stated policies and goals.

RESPONSE 34

TCEQ's primary mission is to protect human health and the environment. The Executive Director has determined that the proposed expansion is compatible with TCEQ's mission.

COMMENT 35 (Faults and Wetlands)

Robin Schneider states that the proposed expansion is in an area where faults and wetlands may be found.

RESPONSE 35

TCEQ review of the geological and hydrological characteristics of the proposed expansion site does not support concerns about faults or wetlands in the area.

No changes to the land-use compatibility determination have been made as a result of these comments.

Respectfully submitted,

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