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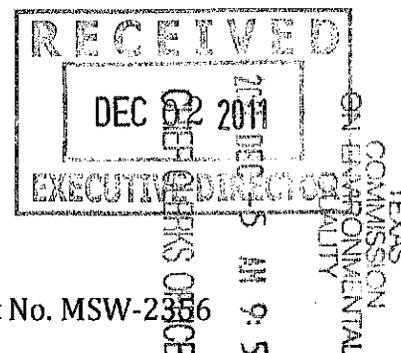
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*DPA
cc: Mark
Zak*

November 29, 2011

DUE DATE: 12-12-11

Mr. Mark Vickery
Executive Director, Texas Commission on Environmental Quality
MC-109
P.O. Box 13087
Austin, Texas 78711-3087



Re: Application by Republic Waste Services of Texas, Ltd. For Permit No. MSW-2356
TCEQ Docket No. MSW-2356

2009-2058-MSW

Dear Mr. Vickery,

I write to you in order to express my concern regarding Republic Waste Services of Texas, Ltd.'s (Republic) application to operate a new solid waste transfer station near Aledo, Texas.

I appreciate the time and effort which the staff of the Texas Commission on Environmental Quality (TCEQ) devoted to reviewing this application. However, I would ask that you recommend denial of the application to the Commission based on the more complete information developed during the hearing on the merits in this matter.

Given the opposition to this transfer station by local entities such as the City of Aledo and Aledo Independent School District (AISD), it is particularly important to ensure that the proposed facility is a compatible land use. Any permitting action with the potential to endanger schoolchildren and impose a further burden on the ability of our schools to operate should be examined closely. On this issue, it is now clearer than ever that traffic impacts of the facility have not been adequately addressed by Republic. The record makes it plain that several intersections near the facility, including the intersection of FM-1187 and the Eastbound I-20 frontage road, are already heavily congested by vehicles associated with the rapid growth of Parker County. This includes traffic associated with the multiple AISD schools nearby. Yet, as observed by TCEQ's Office of the Public Interest Counsel, Republic has not provided any evaluation regarding the adequacy of these intersections to accommodate the traffic associated with the proposed facility, nor has Republic evaluated the adequacy of these roads during the morning and evening rush hour, when the capacity

of the roadways to handle additional traffic is at its least. Republic's failure to fully address the adequacy of the nearby roads to handle the additional heavy vehicle traffic associated with the facility justifies denial of the application.

The proposed transfer station site also raises several safety concerns. The site is bisected by three pipelines, and Republic has proposed to construct several permanent structures that encroach into the buffer zone normally considered to be safe by the pipeline operators. As required by the TCEQ rules, the Commission should preserve the ability for these pipelines to be operated safely, and the Commission should not issue a permit that allows the installation of facilities that could become obstacles to an adequate emergency response should the pipelines fail in any manner. In addition, the small size of the site results in traffic constrictions that potentially endanger members of the public using the proposed recycling center at the Station, and calls into question Republic's ability to safely operate the on-site wastewater treatment system which it has recently proposed. For these reasons, I ask that you recommend that the Commission deny the permit application.

The procedural history of Republic's application also raises concerns for me with regard to the ability of the public to effectively participate in the permitting process. The proposed design and operation of the facility as it now comes before the Commission differs in several respects from the proposed design and operation of the facility as you approved, and as presented to the public during the public comment period. Even after the other parties could no longer present evidence in this matter, Republic continued to alter its description of proposed facility operations and design with regard to important issues such as wastewater treatment. Allowing so many significant changes to its proposal so late in the process undermines the ability of the public to provide the Commission with meaningful input on Republic's plans and strains the resources of local entities such as AISD who have a valuable perspective to offer the Commission. TCEQ's issuance of a permit should be the result of a process that respects the rights of all parties involved and meets the requirements of the Texas Administrative Procedures Act which is intended to ensure such respect. As a result of Republic's efforts to rely upon a constantly changing application, the process to consider its application has not met this standard.

For each of these reasons, I believe that Republic's Application for MSW Permit No. 2356 should be denied, and I would ask that you carefully consider the issues discussed in this letter as you formulate your final recommendation to the Commission with regard to Republic's application.

Sincerely,



Phil King
State Representative

Cc: Les Trobman, General Counsel, Texas Commission on Environmental Quality
Blas Coy, Public Interest Counsel, Texas Commission on Environmental Quality