

Bryan W. Shaw, Ph.D., *Chairman*
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Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 28, 2009

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

**Re: Executive Director's Response to Public Comment
Republic Waste Services of Texas, LTD
Proposed MSW Permit No. 2356**

Dear Ms. Castañuela:

Enclosed for filing is the Executive Director's Response to Public Comment in the above referenced matter

If you have any questions, please contact me at (512) 239-5778.

Sincerely,

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

Anthony C. Tatu
Environmental Staff Attorney
Texas Commission on Environmental Quality, MC 173

PROPOSED MSW PERMIT NO. 2356

APPLICATION BY	§	BEFORE THE
REPUBLIC WASTE	§	TEXAS COMMISSION
SERVICES OF TEXAS, LTD	§	ON
FOR MSW PERMIT NO. 2356	§	ENVIRONMENTAL

EXECUTIVE DIRECTOR'S 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) on the Application by Republic Waste Services of Texas, Ltd. (Applicant or Republic Waste) for a new Municipal Solid Waste (MSW) Permit Number 2356 and on the Executive Director's (ED) preliminary decision on the Application. As required by Title 30 of the Texas Administrative Code (TAC), Section 55.156, before a permit is issued, the Executive Director prepares a response to all timely, relevant and material, or significant comments whether or not withdrawn. The Office of Chief Clerk timely received comment letters from the individuals listed on Attachment A.

The Office of Chief Clerk received timely, oral comments from the following individuals at the first public meeting held on February 12, 2009: Sandy Bailey, Robert Cox, Jim Harder, Jerry Little, Kit Marshall (Mayor, City of Aledo), Tim Mauser, Mark Riley (County Judge, Parker County), and Al Skinner.

The Office of Chief Clerk received timely, written comments from the following individuals at the second public meeting held on May 21, 2009: James Cox, Mark D'Amato, Don Daniel (Superintendent, Aledo ISD), David and Debbie Fritz, Kelly Mooney, Crystal Pettigrew, Victoria Prescott, Hal Ray, Roy E. Ray, Kelly Simmons, Eric and Tanya Smith, Christine Stock, Jerome Stock, Sibille Tallant, and Kathy Williams.

The Office of Chief Clerk received timely, oral comments from the following individuals at the second public meeting held on May 21, 2009: Robert Cox, Don Daniel (Superintendent, Aledo ISD), Joe Dearing, Jr. (President, Aledo ISD), Claudia Delgado, Kittie France, Dan Hagan, Kenneth W. Hawkins, Lisa Holland, Jean Kerry, Bill McElroy (Aledo City Council), Troy Miklos, Leanne Osgood (Board of Trustees, Aledo ISD), Hal Ray, Stephen Reins, Mark Riley (County Judge, Parker County), Al Skinner, Craig Stadler, Mike Saunders, Diane Taylor, Randy Watkins (Aledo City Council), Mike Wilkins, and Kathy Williams.

This Response addresses all comments received, whether or not withdrawn. If members of the public need more information about this permit Application or the municipal solid waste 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.

I. BACKGROUND

A. DESCRIPTION OF FACILITY

The proposed Brazos Transfer Station will be located on a 7.547 acre tract approximately 0.3 miles south of the intersection of Interstate Highway (IH) 20 and Nu Energy Drive near the city of Aledo in Parker County, Texas. The proposed transfer station is a Type V municipal solid waste facility with a maximum waste transfer capacity of 1,000 tons per day (TPD). The facility will consist of two driveways for entering and exiting, perimeter fencing, internal paved access roads and parking area, a platform scale and scale house, a resident's drop-off recycling area, internal drainage control structures, and a totally enclosed metal building with a 9,360 square foot (104 ft. x 90 ft.) footprint. Structures for surface drainage and uncontaminated storm-water run-off controls include diversion berms, internal concrete-lined drainage ditches, culverts and associated drainage structures to channel storm-water run-off around the proposed MSW transfer station and into a natural drainage channel.

B. PROCEDURAL BACKGROUND

This is a permit Application (Application) for a new Type V municipal solid waste facility known as a transfer station. The Application was administratively complete on or after September 1, 1999; therefore, this Application is subject to the procedural requirements adopted pursuant to House Bill 801 (76th Legislature, 1999).

TCEQ received the Application on April 7, 2008, and TCEQ declared the Application administratively complete on May 29, 2008. Notice of Receipt of Application and Intent to Obtain a New Municipal Solid Waste Permit (NORI) was published on June 23, 2008 in the *Fort Worth Star-Telegram*. There were two public meetings, which were noticed in the local newspaper. The notices of public meeting for the first public meeting were published on January 23, 2009, January 30, 2009, and February 6, 2009 in the *Weatherford Democrat*. The first public meeting was held on February 12, 2009 in Weatherford, Texas. The notices for the second public meeting were published on May 1, 2009, May 8, 2009, and May 15, 2009 in the *Weatherford Democrat*. The second public meeting was held on May 21, 2009 in Aledo, TX. After the public meeting, the Executive Director completed the technical review of the Application on September 3, 2009 and prepared a draft permit. Notice of Application and Preliminary Decision for a New Municipal Solid Waste Permit (NAPD) was

published on September 28, 2009 in the *Weatherford Democrat*. The public comment period ended on October 28, 2009. On December 16, 2009, the Applicant requested that this Application be sent directly to the State Office of Administrative Hearings (SOAH).

C. ACCESS TO RULES, LAWS, AND RECORDS

Please consult the following websites to access the rules and regulations applicable to this permit:

- To access the Secretary of State website: www.sos.state.tx.us;
- For TCEQ rules in Title 30 of the Texas Administrative Code: www.sos.state.tx.us/tac/ (select "View the Current Texas Administrative Code," then "Title 30 Environmental Quality");
- For Texas statutes: <http://www.legis.state.tx.us/>;
- To access the TCEQ website: www.tceq.state.tx.us (for downloadable rules in WordPerfect or Adobe PDF formats, select "Rules," then "Current Rules and Regulations," then "Download TCEQ Rules");
- For Federal rules in Title 40 of the Code of Federal Regulations: <http://www.epa.gov/lawsregs/search/40cfr.html>; and
- For Federal environmental laws: <http://www.epa.gov/lawsregs/index.html>.

The Application was specifically reviewed under the 30 TAC Chapter 330 rules effective on March 27, 2006. All references to 30 TAC Chapter 330 rules are to those rules in effect as of March 27, 2006.

Commission records for this facility are available in two places. The TCEQ Office of Chief Clerk maintains a file for viewing and copying are located at TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk). The Application materials are also for viewing and copying at the East Parker County Library, 201 N. FM 1187, Aledo, Parker County, Texas since publication of the NORI, and the Application, draft permit, statement of basis/technical summary, and Executive Director's preliminary decision are/have been available for viewing and copying at the same location since publication of the NAPD.

TCEQ records for the facility are available for viewing and copying at the TCEQ Central Office in Austin, 12100 Park 35 Circle, Building E, Room 103 (Central Records), and at the TCEQ Region 4, Office at 2309 Gravel Drive, Fort Worth, Texas. The technically complete Application is also available for review and copying at East Parker County Library, 201 N. FM 1187, Aledo, Parker County, Texas.

II. COMMENTS AND RESPONSES

A. NUISANCE CONDITIONS

COMMENT 1: VECTORS

Several commenters expressed concern that the proposed facility would attract birds, rats, insects, and other vermin. More specifically, other commenters expressed concern that the proposed facility would attract such things as birds, rats, and insects that would spread to the nearby neighborhoods. Finally, some commenters raised concerns that the proposed facility would promote the spread of diseases through rodents or insects.

RESPONSE 1:

The animals described in these comments are called vectors. TCEQ rules define a "vector" as "[a]n agent, such as an insect, snake, rodent, bird, or animal capable of mechanically or biologically transferring a pathogen from one organism to another." See 30 TAC § 330.3(169). In order to address vectors, applicants for transfer stations must include storage procedures as a part of their Site Operating Plan. 30 TAC § 330.209. TCEQ rules for storage requirements state that "...all solid waste shall be stored in such a manner that it does not...provide food or harborage for animals and vectors...." See 30 TAC § 330.209(a). Many of these animals are nocturnal. The plans for the proposed facility indicate the owner/operator will not store waste overnight. The plans state, "...vectors such as flies and rodents will be controlled by...(1) transporting waste materials from the building in a timely manner by the end of each day of operation...and (2) providing wash downs of the waste handling areas in the building...If necessary...a licensed exterminator will apply appropriate pesticides or rodenticides...."

COMMENT 2: WINDBLOWN TRASH

Many commenters expressed concern that the proposed facility would generate windblown trash from the trucks and the facility itself, that windblown trash would cause an unsightly and unsanitary condition on roads and easements, or that windblown trash would spread to the local residential neighborhoods and drainage tributaries.

One commenter suggested that the Application is deficient for meaningful discussion pertaining to control of windblown material and litter as required by 30 TAC § 330.233.

Some commenters expressed concern that the possibility of windblown trash will increase if the operators keep the bay doors open during hot summer days. One commenter expressed concern that the building configuration and orientation increases the reasonable probability of windblown waste and litter, and that the Application offers no preventative measures.

RESPONSE 2:

TCEQ rules require operators of municipal solid waste storage and processing units to control the presence of windblown trash that is produced from the operation of the facility. The facility owner or operator must take steps to ensure that trucks hauling waste to and from 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.” 30 TAC § 330.235. These measures may include posting signs, reporting offenders to appropriate law enforcement officers, or adding surcharges. 30 TAC § 330.235. Furthermore, on days when the facility is in operation, the owner or operator shall be responsible for having litter picked up at least once a day from the facility and around access roads and gates. 30 TAC §§ 330.233 and 330.235.

In Section 13 of the Site Operating Plan, the Applicant states that collection vehicles will be completely enclosed or covered both as they enter, and as they leave the transfer station; all waste transfer operations will take place inside the enclosed metal building; on-site litter at the transfer station site will be picked up daily; and any litter on Nu Energy Drive, I. H. 20 frontage roads, and East Bankhead Highway will be picked up at least once per day on days when the transfer station is in operation for a distance of two miles in either direction from the entrance of the facility.

COMMENT 3: NOISE

Several commenters expressed concern that the proposed facility would create noise pollution from operations at the site or from the increase in truck traffic.

RESPONSE 3:

The TCEQ rules require that the owner or operator of a transfer station provide screening or other measures that will minimize noise pollution and adverse visual impacts. 30 TAC § 330.239. In the Application, the owner asserts that “The transfer station building and scale house will be set back from Nu Energy Drive to provide visual screening for the facility. Additionally, trees and shrubs will be planted along the facility perimeter and at other strategic locations to provide visual screening of the facility and operations...Noise pollution is not anticipated as being an issue for surrounding landowners, as surrounding land use in the area is commercial and light industrial. Transfer operations will be performed in the enclosed building...”

COMMENT 4: ODOR

Most commenters expressed a general concern that the proposed facility will cause odor issues that will negatively affect nearby residences, schools, and businesses.

RESPONSE 4:

TCEQ rules require owners or operators of municipal solid waste processing facilities to adopt measures to minimize odor. The facility must be designed and operated to provide for adequate ventilation, and the owner or operator must prevent nuisance odors from leaving the boundary of the facility. 30 TAC § 330.245(d). If

nuisance odors escape the boundary of the facility, the facility owner or operator may be required to cease operations until the nuisance is abated. 30 TAC § 330.245(d).

In order to prevent nuisance odors, the owner or operator must employ one or more of several specifically prescribed methods of odor abatement. These may include air scrubbers, buffer zones, additional handling, storage, or cleaning procedures, or “alternative” ventilation or control measures. 30 TAC § 330.245(f). Minimum buffer zone requirements for transfer stations are found at 30 TAC § 330.543(b) (1), and require a minimum buffer zone of 50 feet between solid waste processing and the facility boundary.

In Section 18 of the Site Operating Plan, the Applicant states that ventilation will be provided in the transfer station building using either power roof ventilators or wall mounted fans to achieve four air changes per hour. Also, as further described in Appendix IVB Odor Management Plan, the facility design incorporates on-site buffer zones in excess of those required by rule; all waste transfer activities will take place inside the enclosed waste transfer station; and an odor neutralization system will be operated and maintained to provide further assurance that odors will not leave the transfer station property.

COMMENT 5: ODOR CONTROL MEASURES

Several commenters raised a concern that odor control equipment will be insufficient to eliminate garbage odor, or that the information contained in the Application for odor control is deficient.

One commenter specifically raised a concern that the “continuous ridge vent blowers” would be insufficient to control odor, and that they may actually proliferate the odor.

Other commenters expressed concern that there are no details concerning the “odor neutralization system” in the Application. In particular, one commenter suggested that the Site Operating Procedures contain no details concerning who will maintain the system, or when the system will be maintained or operated. The commenter also raised concerns that the odor provisions in the SOP are unenforceable under 30 TAC §§ 330.7(h), 330.55, 330.61(c) (1), 330.245, and Subchapter U.

One commenter inquired as to the chemicals contained in the mister system.

RESPONSE 5:

In Appendix IVB (Odor Management Plan) the Applicant states that a chemical-based odor neutralizing solution will be applied through a series of spray (atomizing) nozzles positioned at selected areas in the transfer station. Spray nozzles will be mounted at fixed locations such as just inside the entrance/exit doors, and at an elevated level directed up into the roof exhaust fans. The Applicant asserts that odor neutralizing

products such as EcoCare 250, Anotec 0307, and Ecosorb 606 have been recommended by Odor Science and Engineering, Inc. of Bloomfield, Connecticut as being effective on odor reduction. The Applicant further asserts, "[t]he odor neutralizing spray system will be cleaned and maintained as recommended by the equipment manufacturer and as necessary to maintain the efficiency of the system."

Finally, Subchapter U of 30 TAC Chapter 330 specifically applies to air pollution controls that certain municipal solid waste facilities must attain (including some transfer stations). Air pollution controls for a municipal solid waste facility are a separate issue from odor management controls, and are specifically addressed later in this response to comments at Response No. 34.

COMMENT 6: ODOR CONTROL MEASURES

Several commenters expressed concern that certain practices of the Applicant would exacerbate odor issues if implemented. Some commenters specifically raised concerns that the maximum 72 hour detention time for the waste will exacerbate the odor problems. Some commenters expressed concern that waste at the proposed facility will decompose to a sufficient degree to create odors, or that the facility will produce the smell of rotting garbage. Other commenters expressed concern that odor issues will increase if the facility leaves its bay doors open during hot summer days, since the proposed facility will not have an HVAC system.

RESPONSE 6:

TCEQ rules prescribe certain procedures regarding maximum detention times and procedures for system overloading or breakdown. 30 TAC § 330.241. A facility must not exceed its designed capacity, may not store certain liquid wastes for more than 72 hours, and must incorporate procedures for the processing of waste in the event of a facility overload or breakdown.

In Section 18 (Ventilation and Air Pollution Control) of the Site Operating Plan, the owner states that all waste transfer activities will be managed in a timely manner inside the transfer building and all waste will be removed from the transfer station tipping floor by the end of each day of operation. In Section 4 (Waste Acceptance) in the Site Operating Plan, the owner states that the transfer station will receive a maximum of 1,000 tons per day of waste for transfer. In Section 16 (Overloading and Breakdown) in the Site Operating Plan the owner states that if a significant work stoppage occurs at the transfer station due to mechanical breakdown or other causes, the facility will restrict the receiving of solid waste, and the facility will not accumulate solid waste in quantities that cannot be processed within such time as will preclude the creation of odors, insect breeding, or harborage of other vectors. The maximum time waste material will be stored will not exceed 72 hours.

COMMENT 7: WIND AND WEATHER IMPACT ON ODORS

Several commenters expressed concern that natural conditions occurring at the proposed site would exacerbate odor issues. In addition, several commenters expressed

concern that the direction of prevailing winds would increase the impacts of odors on local schools and residences. One commenter expressed concern that the wind regimes in Aledo are different than they are in Dallas/Fort Worth, and suggested that the TCEQ should establish a wind monitoring station with anemometers in order to understand the wind regimes in Aledo prior to issuing the permit. Other commenters expressed concern that the potential impacts from odor will increase during hot summer days.

RESPONSE 7:

The TCEQ rules require that the owner or operator shall prevent nuisance odors from leaving the boundary of the facility. If nuisance odors are found to be passing the facility boundary, the facility owner or operator may be required to suspend operations until the nuisance is abated. 30 TAC § 330.245(d). Furthermore, the rules require that openings to the process area shall be controlled to prevent releases of nuisance odors from leaving the property boundary of the facility. 30 TAC § 330.245(g). Finally, an applicant must include in their Application a map that contains a wind rose that indicates the prevailing wind direction. 30 TAC § 330.61(c) (1).

The Applicant included a wind rose in Drawing No. I/II-2, which represents a compilation of eight years of wind data from 1984 through 1992 from EPA Station TX03927 (located approximately 38 miles east-northeast of the Brazos Transfer Station in northwestern Dallas County), and indicates the predominant direction of the wind is from a southerly direction (includes south-southwest to south-southeast), 42.4 percent of the time. This wind rose also indicates winds from the northerly direction (includes north-northwest to north-northeast) for 22.3 percent of the time. The southerly winds usually occur during the summer months, and would blow from the transfer station in a northerly direction toward I. H. 20. Similarly, during the winter months, the northerly winds would blow from the transfer station in a southerly direction. The currently proposed orientation of the waste transfer station is such that the smaller doors for ingress and egress of the smaller waste collection trucks will be facing northeast. That is, during the summer months, when the smaller doors might be open more often, the prevailing winds will be from a southerly direction, on the opposite side of the building.

COMMENT 8: GENERAL NUISANCE CONCERN

Several commenters expressed concern that the proposed facility will create a general nuisance to the surrounding community.

RESPONSE 8:

TCEQ rules relating to municipal solid waste are designed to be protective of human health, welfare, and the environment. Under the rules, no person may cause, suffer, allow, or permit the processing of solid waste in such a manner that it causes the creation or maintenance of a nuisance. 30 TAC § 330.15(a). Many TCEQ rules are designed to minimize the effects of nuisance, such as requirements for noise pollution and visual screening, control of wind blown waste, and ventilation and odor control.

If this permit is issued, the Applicant would be required to comply with all conditions of the draft permit. Failure to comply would constitute a violation of the permit, the TCEQ rules, and the Texas Solid Waste Disposal Act, Chapter 361 of the Texas Health & Safety Code. See 30 TAC § 330.125(1). A violation could be grounds for an enforcement action, revocation, or suspension.

Should a citizen observe a potential violation of a permit condition at any permitted facility, observers are encouraged to report an environmental violation by calling toll-free, 1-888-777-3186, by filling out a form on the TCEQ website at www.tceq.com or by an e-mail to cmplaint@TCEQ.state.tx.us in order to report a potential violation of the permit or TCEQ regulation. On a complaint basis, regional investigators will investigate the conditions at the facility. If the regional investigator documents a violation of TCEQ regulations or conditions in the permit, then appropriate action will be taken.

Furthermore, under 30 TAC §§ 305.122(b) and (c), the issuance of a permit does not convey any property right, exclusive privilege, or vested right in the permittee, nor does it authorize an injury to persons or property, or an invasion of the property rights of others.

COMMENT 9: VISUAL IMPACT AND SCREENING

Several commenters expressed concern that the proposed facility would be an eyesore or unsightly. Other commenters expressed concern that the Application did not have adequate provisions for landscaping or visual screening, or they were concerned that landscaping would be insufficient to negate the visual impacts of the site.

RESPONSE 9:

The TCEQ rules require that the owner or operator of a transfer station shall provide screening or other measures to minimize noise pollution and adverse visual impacts. 30 TAC § 330.239. The Applicant has proposed a landscaping plan in Appendix IVA which indicates planting of evergreen shrubbery and trees along the perimeter of the site together with other accent plantings of shrubs and trees within the site to provide both noise and visual screening.

COMMENT 10: OPERATING HOURS

Several commenters expressed concern over the hours of operation of the proposed facility.

RESPONSE 10:

The TCEQ rules require applicants to indicate the operating hours of the facility in the Site Operating Plan. 30 TAC § 330.229(a). The rules specify that waste acceptance may take place at any time between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and that operating hours for operating heavy equipment may be any time between the hours of 5:00 a.m. and 9:00 p.m., Monday through Friday. The rules also contemplate allowing permittees to operate during off-hours for emergencies,

in response to disasters, and for special occasions – such as holidays. 30 TAC §§ 330.229(b)-(c). Applicants may request additional operating hours, which must be approved by the Executive Director or the Commissioners upon issuance of the permit. 30 TAC § 330.229.(a).

In Section 11 (Operating Hours) of the Application, the Applicant has requested authorization to operate heavy equipment and to transport materials on- or off-site 24 hours a day, Monday through Saturday. The Applicant asserts that actual hours and days of operation may vary within the requested time period depending on incoming volumes of waste. The hours and days of operation will be posted on the entrance sign, and communicated to the transfer station users.

The ED has preliminarily determined that the required information concerning the hours of operation was submitted in the Application.

B. TRAFFIC AND ADEQUACY OF ROADS

COMMENT 11: TRAFFIC VOLUME AND CONGESTION

Most commenters expressed a general concern that the proposed facility will cause traffic problems, such as congestion of intersections, and increased safety risks. Several commenters expressed concern that the volume of trucks associated with the facility will greatly increase traffic on Nu Energy Drive, service roads on I-20, Ranch House Road, Highway 1187 and associated exits. Many of these commenters noted that these roads have already experienced an increase in traffic from residential and business growth.

Other commenters expressed concern over the potential increase in traffic on Bankhead Highway as a result of the facility. Similar comments raised the concern that Bankhead Road is an old road that is already overburdened with traffic.

Several commenters expressed concern that the increase in traffic will damage the nearby roads.

RESPONSE 11:

The TCEQ rules at 30 TAC § 330.61(i), (relating to Contents of Part II of the Application); require the owner or operator of the proposed facility to provide data on the availability and adequacy of roads that will be used 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 facility; project the volume of traffic expected to be generated by the facility on the access roads within one mile of the proposed facility; and submit documentation of coordination with the Texas Department of Transportation for traffic and location restrictions. The Applicant provided a traffic

impact analysis in Appendix I/II E of the Application which includes the required access road and traffic information, and has provided evidence of coordination with TxDOT and other agencies in Appendix I/II A.

COMMENT 12: ROADS

Several commenters expressed concern that the roads near the facility are inadequate to accommodate the increase in traffic from large trucks, that the roads are too old to handle the traffic, or that the information contained in the Application is insufficient to address traffic issues.

A few commenters expressed concern that the traffic study was insufficient. In particular, the commenters noted that the study does not indicate load limits, road/pavement design, current road conditions, existing truck traffic, or notes on the existence of speed limit signs, curbs, parking prohibitions, or drainage.

One commenter suggested that the Application is deficient because it does not discuss the impacts of present and future land use on traffic, as required by 30 TAC §§ 330.61(i), 330.23(a), 330.59(b), and 330.61(c)(5). This commenter argued that the Applicant failed to provide sufficient accurate data of the availability and adequacy of access roads, of facility-generated traffic, or coordination with local governments concerning such access roads. In addition, this commenter suggested that the Application refers to a freeway entrance ramp east of the facility prior to FM 1187/I-20 that does not exist.

One commenter also argued that traffic counts and alternative access routes were not included in the Application.

One commenter inquired as to whether the traffic study takes into consideration the increase in traffic after the closing of the Weatherford Landfill.

RESPONSE 12:

TCEQ rules cited above by the commenter – 30 TAC §§ 330.61(i), 330.23(a), 330.59(b), and 330.61(c)(5) – do not specifically require Applicants to discuss how present and future land uses will impact traffic.

30 TAC §§ 330.61(i) and 330.61(c)(5) require Applicants to provide information concerning the location and surface type of roads within one mile of the facility that will normally be used by the proposed facility, the availability and adequacy of roads that will be used to access the site, data on the volume of vehicular traffic on access roads within one mile of the proposed facility, projections of the volume of traffic expected to be generated by the facility on the access roads within one mile of the proposed facility, and submit documentation of coordination with The Texas Department of Transportation (TxDOT) for traffic and location restrictions. 30 TAC § 330.23(a) requires the Executive Director to coordinate with TxDOT on the review of all permit Applications for MSW land disposal facilities within 1,000 feet of an interstate or primary highway.

This provision does not apply to this permit Application because a transfer station is not a land disposal facility. However, the Applicant did coordinate with TxDOT by letter on July 26, 2007 on the location of the facility. TxDOT responded on August 28, 2008 that, "...the operation is not within 1,000 feet of a highway (IH20) and will not be subject to control under the Highway Beautification provisions of the Texas Litter Abatement Act...."

30 TAC § 330.59(b) requires the owner or operator to provide a description of the location of the facility with respect to known or easily identifiable landmarks, detail the access routes from the nearest federal or state highway to the facility, and provide the longitudinal and latitudinal geographic coordinates of the facility. This information was provided in Part I/II of the Application.

The traffic impact analysis in Appendix I/II in the Application was prepared for Republic Waste Services of Texas, Ltd., and SCS Engineers by DeShazo, Tang, and Associates, Inc. The traffic impact analysis includes information on the availability and adequacy of roads that will be used to access the site, data on the volume of vehicular traffic on access roads within one mile of the proposed facility, and projected volume of traffic expected to be generated by the facility on the access roads within one mile of the proposed facility. The projections of traffic volume were estimated for the year 2030 which is beyond the expected closing date of the Weatherford landfill. In the conclusion of the Executive Summary of the traffic impact analysis, DeShazo, Tang, & Associates makes the statement, "...based on the findings of this study, no significant impact to area roadways is expected due to the development of the proposed solid waste transfer station...."

COMMENT 13: ROAD CONSTRUCTION AND PLANNING

One commenter noted that there is proposed construction for roads in and around the entrance and exit to the the proposed facility, and that the construction delays will combine with the increase in truck traffic to exacerbate the traffic problems that already exist.

RESPONSE 13:

Proposed construction of roads in the area is the responsibility of Parker County and TxDOT. The TCEQ has no rules that require Applicants to address proposed road construction in Municipal Solid Waste Applications.

COMMENT 14: TRAFFIC ENFORCEMENT

Several commenters expressed concern that there are no government agencies that can enforce the traffic laws around the facility.

One commenter expressed concern that the Applicant has failed to coordinate with Parker County on transportation issues related to county roads.

RESPONSE 14:

Traffic laws on I. H. 20, associated frontage roads, and FM 1187 are enforced by the Texas Highway Patrol Division of the Texas Department of Public Safety. Traffic laws on other public roads in the area, such as Ranch House Road, East Bankhead Highway and Nu Energy Drive are enforced by Parker County. However, both Texas Highway Patrol Troupers and Parker County Patrolmen have the authority to enforce traffic laws in either jurisdiction if they witness a traffic violation.

TCEQ rules require applicants to submit documentation of coordination of all designs of proposed public roadway improvements associated with site entrances with the agency exercising maintenance responsibility of the public roadway involved. 30 TAC § 330.61(i). In this case, the Applicant does not propose to create any improvements to public roadways. Therefore, no documentation with Parker County was necessary.

COMMENT 15: TRAFFIC AND SAFETY

Most commenters expressed concern that possible increased truck traffic within close proximity to schools would increase the danger to teen drivers, buses, parent vehicles, or students at bus stops, and children. Several commenters noted that the roads near the proposed facility and the local High School are particularly dangerous to young drivers because they are narrow, old, and full of turns. Finally, other commenters expressed concern that the increase in traffic from the proposed facility would generally increase the danger of nearby roads or the likelihood of traffic fatalities.

RESPONSE 15:

The TCEQ does not have jurisdiction in the permitting process to limit routes taken by commercial trucks, nor is the TCEQ the agency charged with regulating and enforcing traffic safety. The Applicant must comply with any generally applicable local city or county regulations or ordinances that are related to transportation. *See, e.g.*, 30 TAC § 305.122(c). If commercial trucks or other vehicles are observed operating in an unsafe manner, or if trucks are traveling on roads in violation of restrictions, this information may be reported to local law enforcement agencies. If roads need repair, this information should be reported to the appropriate city, county or state road maintenance department.

**C. LAND USE COMPATIBILITY, PRIVATE PROPERTY CONCERNS,
AND SITING**

COMMENT 16: LAND USE COMPATIBILITY

Several commenters expressed concern that the proposed facility would be incompatible with the surrounding community. Many commenters expressed general concerns over the proximity of the proposed facility to schools, residences, playing fields, recreation

areas, businesses, churches, and other nearby, sensitive land uses. Many other commenters expressed a more-specific concern about the proximity of the proposed facility to several nearby schools and/or the impact of the proposed facility on children, while still others stated that the Application does not depict all the neighborhoods in the area.

RESPONSE 16:

The TCEQ rules at 30 TAC § 330.61(h) state that the use of any land for a municipal solid waste facility not adversely impact human health or the environment. To assist the Commission in evaluating the impact of the site on the surrounding area, the owner or operator shall provide a list of items found under 30 TAC § 330.61(h). This rule requires that the Applicant provide information regarding the likely impacts of the facility on cities, communities, groups of property owners, or individuals by analyzing the compatibility of land use, zoning in the vicinity, community growth patterns, and other factors associated with the public interest.

Pursuant to the above rule, the Applicant must provide the following: 1) if available, a published zoning map for the proposed facility and the area within two miles of the proposed facility; 2) information about the character of the surrounding land uses within a mile of the proposed facility; 3) information about growth trends within five miles of the facility with directions of major development; 4) the proximity of the proposed facility to residences and other uses within one mile, including schools, churches, cemeteries, historic structures, archaeologically significant sites; 5) the approximate number and density of residences and commercial establishments within one mile of the proposed facility; 6) a description of all known wells within 500 feet of the proposed facility; and 7) any other information requested by the Executive Director. See 30 TAC §§ 330.61(h)(1)-(6).

These required items are all found in the zoning maps within two miles of the facility boundary, growth trends within five miles, the character of surrounding land within one mile, the proximity within one mile to residences, schools, churches, historic sites, and approximate number and density of residences and commercial establishments within one mile are all shown or described in the land use analysis in Appendix I/IIC of the Application. Water wells within 500 feet of the proposed facility are shown in Appendix I/IIB in the Application.

COMMENT 17: PROXIMITY

One commenter inquired as to whether there were any other waste transfer stations this close to schools in Texas (also U.S.) and, if they exist, where they are located and what they are called. Some commenters noted that at the February 12, 2009, public meeting someone stated that the proposed facility would be the only of its kind in the state that is located within one mile of a public school.

RESPONSE 17:

While TCEQ rules require applicants to supply information regarding the location of schools, residences, and other local land uses as part of the Application, there is no specific rule that establishes a minimum distance that a municipal solid waste facility must be from these land uses. 30 TAC § 330.61(h).

Furthermore, while the TCEQ maintains publicly-available records of all permitted facilities, the TCEQ does not maintain a list of all MSW transfer stations in Texas or the rest of the United States nor does TCEQ perform any detailed analysis of MSW transfer stations' proximity to schools, churches, and residences. However, based on general knowledge TCEQ staff is aware of the following permitted MSW facilities located within one mile of at least one school: The Northwest Transfer Station, located at 14400 Sommermeyer Street, Houston (MSW Permit No. 1092, MSW Registration No. 40133); the Southwest Transfer Station, located at 5900 Westpark Drive, Houston, (MSW Permit No. 1091, MSW Registration No. 40132); the Southeast Transfer Station, located at 9225 Lawndale Street, Houston (MSW Permit No. 1074, MSW Registration No. 40131); and the Austin Community Landfill (MSW-249D), located at 9900 Giles Road, Austin.

COMMENT 18: GROWTH TRENDS

Several commenters expressed concern that the land use analysis submitted by the Applicant was insufficient or inaccurate. In particular, some commenters raised an issue regarding the land use analysis required by 30 TAC § 330.61(g) and (h), and suggested that the analysis was insufficient because it did not give adequate information concerning future growth trends of the surrounding neighborhoods.

Other commenters suggested that the analysis was insufficient under 30 TAC § 330.61(f)(2) because it did not use a series of aerial photographs to demonstrate growth patterns.

Finally, some commenters expressed concern that the analysis did not address the impact of future growth trends on traffic.

RESPONSE 18:

Under 30 TAC § 330.61(h) applicants must provide information about growth trends within five miles of the facility indicating directions of major development. In this case, the Applicant submitted information concerning future growth trends in the vicinity of the proposed location of the Brazos Transfer Station. This information is depicted in Figure LU-3 in the land use analysis in Appendix I/IC in the Application.

Applicants must also submit an aerial photograph that shows the area within a one-mile radius of the site boundaries. 30 TAC § 330.61(f)(1). However, the use of a series of aerial photographs to indicate growth trends as suggested in 30 TAC § 330.61(f)(2) is not a requirement, but rather a suggested alternative method of depicting growth trends that is within the discretion of the Applicant. As the rule states, "[a] series

of aerial photographs *can* be used to show growth trends.” 30 TAC § 330.61(f)(2) (emphasis added).

The Applicant submitted information concerning the impact of future growth trends on traffic in the vicinity of the proposed location of the Brazos Transfer Station. This information is depicted in Exhibits 4 through 8 of the traffic impact analysis in Appendix I/II in the Application.

The Executive Director has preliminarily determined that the required information concerning future growth trends was submitted in the Application.

COMMENT 19: LAND USE COMPATIBILITY DETERMINATION PROCESS

One commenter felt that it would be an abuse of discretion for the TCEQ not to make a separate determination as to land use compatibility, as provided in Texas Health and Safety Code (THSC) § 361.069.

RESPONSE 19:

Texas Health and Safety Code § 361.069 (Determination of Land Use Compatibility) states that: “The commission in its discretion may, in processing a permit Application, make a separate determination of the question of land use compatibility, and if the site location is acceptable, may at another time consider other technical matters concerning the Application.” To achieve that purpose, the Commission may hold separate hearings for technical issues and the issue of land use compatibility under THSC § 316.088. *See* THSC § 361.069.

If a person affected by the final decision of the Commission believes that the decision was an abuse of discretion, they may appeal the decision through administrative means under 30 TAC § 80.275, and/or civil means under Tex. Gov’t Code §§ 2001.171 and 2001.174.

COMMENT 20: ZONING

Several commenters expressed concern that the industrial zone in which the facility is proposed to be sited is very small, and too close to non-industrial areas. Other commenters expressed a concern that zoning laws in the area are insufficient to protect against the incursion of the proposed facility.

One commenter expressed concern that the size and layout of the proposed transfer station is inadequate to safely accommodate the internal traffic and activities planned for the site, as required by 30 TAC § 330.63(b) and (d). In particular, the commenter suggested that the 7.545 acre plat of the proposed facility is misleading when buffer zones and easements are taken into consideration. The commenter also suggested that the Applicant failed to demonstrate how access to the citizens recycling facility will be controlled as required by 30 TAC § 330.63(b)(1).

RESPONSE 20:

TCEQ rules require Applicants to provide, if available, published zoning maps. 30 TAC § 330.61(h). According to the information provided by the Applicant, there are no zoning laws which exist at the proposed location of the proposed facility.

Under 30 TAC 330.63(a), applicants must submit a Site Development Plan. The Site Development Plan must include criteria that will provide for the protection of the health, welfare, and physical property of people and the environment. The components of the Site Development plan include sections on general facility design, surface water drainage, and waste management unit design. While the Site Development Plan must contain detailed information concerning the type and location of various waste management units, there is nothing that establishes a minimum footprint or layout size for a processing facility. The ED has preliminarily determined that the required information concerning general facility design, as required in 30 TAC § 330.61(b) and (d), are addressed in the Application.

Under the heading of Zoning on page 1 in the land use analysis in Appendix I/IC in the Application the Applicant states, “[t]he site lies in eastern unincorporated Parker County, approximately 1.5 miles west of the municipal limits of the City of Fort Worth, 0.5 miles north of the municipal limits of the City of Aledo, and 0.25 miles east of the municipal limits of the City of Willow Park. The site is within the extraterritorial jurisdiction of the City of Willow Park. The site is not zoned, nor is it subject to zoning per Section 212.003 of the Texas Local Government Code which states that, ‘...in its extraterritorial jurisdiction, a municipality shall not regulate...the use of any building or property for business, industrial, residential, or other purposes....’ The site does not require approval as a nonconforming use or a special permit from any local government....”

Applicants must also address access to the facility in the Site Development Plan. 30 TAC § 330.63(b)(1). In particular, an applicant must describe how access will be controlled to protect the public from exposure and to discourage unauthorized entry. In this case, the Applicant indicated that the proposed facility will be controlled by a fence on the perimeter of the site with lockable gates, and all waste will be processed within an enclosed metal building. The Applicant states that outside of operating hours, the gates will be locked to prevent unauthorized vehicle access.

COMMENT 21: LOCATION AND SITING OF THE FACILITY

Many commenters requested or inquired as to whether the proposed facility could move elsewhere, or whether the TCEQ could require the Applicant to relocate elsewhere. Other commenters suggested that there may be other more remote areas that would be more appropriate for the placement of the proposed facility. One commenter inquired as to whether there was government owned land, or land that could be annexed that would be more suitable for the facility.

RESPONSE 21:

Pursuant to 30 TAC § 330.61(h), TCEQ only has the authority to consider the impact of the proposed facility on the surrounding community, however, the TCEQ does not have the authority to mandate the location or siting of these facilities.

COMMENT 22: NEED FOR FACILITY

Several commenters inquired as to why a transfer station would be necessary at this site when there are other transfer stations and landfills nearby. Other commenters expressed concern that the Applicant, if permitted, would expand the facility in the future. Other commenters expressed concern that the facility would eventually increase its capacity, and thereby increase the negative impacts of the facility over time. These commenters suggested that the Application is insufficient because it fails to indicate how any possible expansion of the facility would impact local land uses after such expansion.

Another commenter expressed concern that the surrounding population is too small to generate the 1,000 to 2,000 tons per day of trash proposed to be accepted by the facility.

RESPONSE 22:

Applicants are required to submit a brief description of the general sources and generation areas that contribute waste to the proposed facility. 30 TAC § 330.61(b)(1)(A). The description must include an estimate of the population served by the proposed facility. In Section 2 (Solid Waste Data) of Part III (Site Development Plan) on page III-2-1, the Applicant estimates a population equivalent of 322,581 persons, based on 1,000 tons per day (TPD) maximum waste transfer rate and 6.5 pounds per person per day generation rate.

The TCEQ does not have authority to consider the need for an MSW facility when determining whether to approve or deny a permit Application. The TCEQ does not have authority to restrict the area a facility serves and does not have authority to consider the service area in deciding whether to issue a permit. TCEQ staff does not have authority to require an applicant to locate a facility in a different location.

As to the concern about future expansion, if the Applicant were to obtain a permit for this facility, it would be unable to significantly expand its waste handling capacity without first applying for and obtaining a major amendment, which would involve the opportunity for the public to request a contested case hearing and offer comment. *See* 30 TAC § 305.70(c).

COMMENT 23: WASTE FROM FORT WORTH

Several commenters asserted that the transfer station would process waste from Fort Worth and areas other than Aledo and expressed concern that one municipality should not have to deal with the waste of another. Some commenters suggested that transfer stations should be built in the place where the waste is generated.

Some commenters expressed concern that the town of Aledo was singled out for the creation of the transfer station because it is in a rural location. Other commenters suggested that this site was intentionally chosen because it is in an area of low social economic growth or because it is in a neighborhood composed of minority populations. These commenters expressed concerns over environmental justice.

RESPONSE 23:

While the TCEQ and EPA collaborate on the cumulative impacts from permitting activities, rules, and policies of both agencies, the TCEQ continues to actively manage a State Environmental Equity Program. The TCEQ's Environmental Equity Program was established in 1993 to help counter this trend by improving communications between government, local communities, and neighboring industries. Individuals may raise environmental equity or environmental justice concerns with TCEQ staff through a toll-free number, 1-800-687-4040, or at the following address, phone, and fax numbers:

Environmental Equity (MC-108)
Texas Commission on Environmental Quality
P.O. Box 13087 Austin, TX 78711-3087
512-239-4000
512-239-4007 (fax)

Additional information can be found on the following TCEQ website:

www.tceq.state.tx.us/comm_exec/opa/envequ.html

COMMENT 24: PROPERTY VALUES

Many commenters expressed a general concern that the proposed facility will lower the values of the surrounding properties. Several commenters were concerned that the proposed facility will ultimately depress property values or negatively impact residential development and, as a consequence, lower the property tax revenue of local governments and the Aledo Independent School District.

Other commenters were concerned that, if built, the proposed facility would deter individuals seeking to purchase property, begin construction activities, or start new businesses in the areas near the proposed site. Similar comments expressed concern that the proposed facility would hinder community revitalization plans or growth.

Several commenters expressed concern over the creation of the proposed facility during difficult economic times. One commenter suggested that an economic impact study should have been performed.

Some commenters expressed concern that the facility would degrade Aledo Independent School District, and several commenters expressed concern that the facility would create a bad image for the community.

RESPONSE 24:

The TCEQ's jurisdiction is established by the Legislature, and is limited to the issues set forth in statute and rules. Accordingly, the TCEQ does not have the authority to consider effects on property values when determining whether to approve or deny a permit Application. Consequently, the TCEQ has no rules or regulations that require applicants to consider impacts on property values, taxes, local economies, or local businesses. The Executive Director's review of a permit Application considers whether the proposed facility meets the requirements of Chapter 330 of the rules. In addition, section 305.122(c) provides 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.

D. SITE OPERATION

COMMENT 25: WASTE STREAMS

Many commenters expressed concern over the potential, negative effects of the types of waste potentially accepted by the proposed facility. In particular, commenters expressed concern that the proposed facility would accept, commercial, industrial, or hazardous waste, dead animals, chemicals, or slaughterhouse waste. Some commenters expressed concern that the proposed facility would accept dangerous chemicals or hazardous wastes contained in personal trash and/or the health effects that those wastes would create if they were present in the waste.

Several commenters expressed concern that there are no provisions in the Site Operating Procedure that dictate the proper management of special wastes, such as dead animals and slaughterhouse waste, as required by 30 TAC § 330.171. These commenters also expressed concern that it is unclear from the Application what types of special wastes the proposed facility will or will not accept.

Some commenters expressed concern that the Application does not demonstrate how the Applicant intends to prevent the acceptance of unauthorized waste as required by 30 TAC § 330.203. Similarly, one commenter inquired as to whom would monitor the inflow of trash to determine whether the facility is accepting inappropriate waste.

RESPONSE 25:

TCEQ rules require applicants for solid waste storage and processing units to identify the source and characteristics of wastes proposed to be received for storage or processing. See 30 TAC § 330.203(a); 30 TAC § 330.61(b) (relating to Waste Acceptance Plan). Specifically, the rules require that the owner or operator (a) identify the sources and characteristics of wastes (e.g., residential, commercial, special wastes, Class 1, Class 2 industrial solid wastes, etc.), and (b) describe the types and estimate the amount of each waste to be received daily at the transfer station. If a waste constituent or characteristic could be a limiting parameter that may impact the operation of the facility, the owner or operator must specify parameter limitations for those wastes. 30 TAC §

330.203(a). Municipal solid waste facilities may not receive regulated hazardous waste, unless authorized in accordance with 30 TAC Chapter 335. *See* 30 TAC § 330.203.

In Section 4 (Waste Acceptance) in the Site Operating Plan on page IV-4-1, the Applicant provided a table indicating the type of waste and maximum waste transfer rate of each waste that is proposed to be accepted on a daily basis at the facility. The Applicant indicated that the proposed waste transfer station will accept the following wastes: residential and commercial municipal solid waste; wood and yard waste; construction and demolition waste; non-regulated asbestos containing materials; special wastes as defined in 30 TAC § 330.171 that do not interfere with the operation of the transfer station; and Class 2 and Class 3 non-hazardous industrial waste.

A "special waste" is a waste that is specifically defined in the Rules, and which needs special handling, and possibly special authorization. As it is defined, a "special waste" is any solid waste that, because of its quantity, concentration, physical or chemical characteristics, or biological properties requires special handling. *See* 30 TAC § 330.3(148). The definition of special waste contains a list of wastes that includes, among other things, hazardous waste from conditionally exempt small quantity generators (i.e., hazardous waste that is not "regulated," such as household hazardous waste), slaughterhouse wastes, and dead animals. 30 TAC § 330.3(148). The Applicant has excluded slaughterhouse waste from this Application.

However, the handling and acceptance requirements for special wastes are found at 30 TAC § 330.171 (relating to Disposal of Special Wastes), which specifically apply to landfills. 30 TAC § 330.171(c)(2). Also, no further authorization is needed for landfill owners or operators to accept or dispose of small quantities of household hazardous waste. 30 TAC § 330.171(c)(6). On the other hand, a landfill owner or operator must have prior authorization to accept untreated medical waste. 30 TAC § 330.171(c)(1).

In order to satisfy the requirements of 30 TAC § 330.203(a) for this Application, the Applicant indicated in Section 4.2 (Handling of Special Waste) on page IV-4-2 of the Site Operating Plan that special wastes that are approved for acceptance at Type I landfills as listed in 30 TAC § 330.171(c) may be accepted at the facility, and will be handled in accordance with the procedures provided in 30 TAC § 330.171(c) for those specific wastes. Special wastes not specifically identified in 30 TAC § 330.171(c) will not be accepted at the facility unless the destination landfill has received approval from the TCEQ in accordance with 30 TAC § 330.171(b).

In Section 5 (Detection and Prevention of Acceptance of Prohibited Waste) on page IV-5-4 of the Site Operating Plan, the Applicant indicates that facility personnel will be trained to inspect incoming loads and vehicles for identification of regulated hazardous waste, polychlorinated biphenyls (PCBs), and other prohibited wastes, and as a minimum, the gate attendant and equipment operators will be trained to observe incoming loads for prohibited waste.

COMMENT 26: WASHING

Several commenters contended that the proposed weekly washing of the tipping floor would be insufficient to control odors, air quality, unsanitary conditions, or other associated problems.

RESPONSE 26:

TCEQ rules require that all working surfaces at waste processing facilities that come in contact with wastes be washed down on a weekly basis, and facilities that operate on a continuous basis shall be swept daily and washed down at least two times per week. *See* 30 TAC §330.243(a). In section 17 (Sanitation and Employee Sanitation Facilities) the Applicant indicates that the tipping floor and push walls will be washed down on a weekly basis, and during times when the transfer station is operating on a continuous basis, the tipping floor will be swept daily and washed down at least twice weekly. TCEQ rules in 30 TAC § 330.245(d), require that the owner or operator shall prevent nuisance odors from leaving the boundary of the facility, and if nuisance odors are found to be passing the facility boundary, the facility owner or operator may be required to suspend operations until the nuisance is abated.

COMMENT 27: WASTEWATER AND WATER POLLUTION

Some commenters expressed concern that the measures in the draft permit for containing and processing wastewater from the cleaning of the facility are inadequate.

These commenters expressed concern that the Applicant failed to satisfy the requirement that it demonstrate water pollution control under 30 TAC § 330.63(b)(4), thereby failing to demonstrate that the facility shall not cause surface or groundwater contamination under 30 TAC §§ 330.55(b), 330.207, and 330.15(h).

RESPONSE 27:

Under 30 TAC § 330.63(b)(4), applicants must describe how all liquids resulting from the operation of solid waste processing facilities will be disposed of in a manner that will not cause surface water or groundwater pollution. *See also* 30 TAC § 330.55(b). Applicants must also provide for the treatment of wastewaters. 30 TAC § 330.63(b)(4).

In particular, the rules require that all wash waters be collected and disposed of in an authorized manner. 30 TAC § 330.243(c). Contaminated water, when collected, must be stored and disposed of in a manner that will not cause surface water or groundwater pollution. *See* 30 TAC § 330.207(a).

In Section 17 (Sanitation and Employee Sanitation Facilities) on page IV-17-1 of the Site Operating Plan, the Applicant states that wash water from the tipping floor will be pumped to an enclosed 5,000 gallon holding tank which will be equipped with a carbon filter connected to the tank vent to minimize the creation of odors, or attraction of birds, rodents or other disease vectors. On page 15-1-1 of Part III Attachment 15 (Contaminated Water Management Plan) the Applicant indicated that contaminated waster detained in the on-site holding tank will be managed in accordance with 30 TAC §

330.207(a) by hauling off-site to an approved wastewater treatment plant or hauling off-site to a MSW facility approved to accept liquid waste for stabilization and disposal.

COMMENT 28: SPILL PREVENTION

One commenter expressed concern that the Applicant failed to provide sufficient provisions for spill prevention and control under 30 TAC §§ 330.227, 330.61(c)(7), 330.61(k)(2)-(3), 330.63(b)(2)(H), and 330.205(c).

RESPONSE 28:

TCEQ rules regarding spill prevention and control require that storage and processing areas be designed to control and contain spills and contaminated water from leaving the facility. 30 TAC § 330.227. The design shall be sufficient to control and contain a worst case spill or release, and unenclosed containment areas shall also account for precipitation from a 25-year, 24-hour storm.

In this case, the Applicant does not plan to store any waste on site. In Section 10 (Unloading of Waste) on page IV-10-2 of the Site Operating Plan, the Applicant states that "The standard operating procedure at this transfer station will be for the refuse to be removed from the transfer station tipping floor by the end of each day of operation...." In Section 7 (Contaminated Water Management) the applicant states the tipping floor will be free from on-site run-on because the transfer station building is completely covered, and outside slopes are graded away from the building. Liquids generated from the periodic cleaning of the tipping floor and transfer tunnel will be managed as contaminated water and will not cause surface water or groundwater pollution. The Applicant also states, "In accordance with § 330.227, solid waste storage and transfer operations will be conducted to control and contain spills and contaminated water from leaving the facility...." The Application also contains hydrologic calculations in Appendix 6A, based on 25-year, 24-hour rainfall which indicate post-development total stormwater discharge volumes (Table 6A-4B on page 6A-13) will be less than pre-development total wastewater discharge volumes (Table 6A-4A on page 6A-7).

Under 30 TAC § 330.61(c)(7), the owner or operator must provide maps in addition to those required by § 330.59(c) of this title (relating to Contents of Part I of the Application) as necessary to accurately show proximity to surrounding area streams. In Part III, Attachment 6 (Surface Water Drainage Plan) in the Application, the Pre-Development Drainage Plan and Post-Development Drainage Plan shown in Drawing Numbers 6.2 and 6.3 respectively, indicate that surface water will flow into a swale at the southwest corner of the proposed site, which ultimately discharges into an unnamed tributary of the Trinity River as indicated on Drawing Number 6.4.

30 TAC § 330.61(k)(2)-(3), requires the owner or operator to submit data on surface water at and near the site and information demonstrating how the facility will comply with applicable Texas Pollutant Discharge Elimination System (TPDES) storm water permitting requirements. This information may include, but is not limited to a certification statement indicating the owner/operator will obtain the appropriate TPDES

permit coverage when required; or a copy of the permit number for coverage under an individual wastewater permit.

The Applicant indicates in Part III, Attachment 6 (Surface Water Drainage Plan), page 6-3-1 that "...in accordance with § 330.61(k)(3), the transfer station will be authorized to discharge runoff from the site in accordance with a Texas Pollutant Discharge Elimination System (TPDES) General Permit for stormwater discharges associated with construction and industrial activities.... As required by the TPDES General Permit a Storm Water Pollution Prevention Plan will be developed and implemented prior to submittal of a Notice of Intent (NOI), and the NOI will be submitted to the TCEQ prior to the commencement of construction and transfer station operations..."

As required by 30 TAC § 330.63(b)(2)(H), the owner or operator must submit a generalized process design and working plan of the overall facility that includes, at a minimum the proposed disposition of effluent resulting from all processing operations. In Figure 15-1 at the end of Part III, Attachment 15 (Contaminated Water Management Plan), the Application contains a contaminated water management schematic which summarizes the collection and disposal of contaminated water.

Under 30 TAC § 330.205(c), wastewaters generated by a facility shall be managed in accordance with §330.207 of this title (relating to Contaminated Water Management). 30 TAC § 330.207 states that all liquids resulting from the operation of a solid waste facility shall be disposed of in a manner that will not cause surface water or groundwater pollution, and contaminated water shall be collected and contained until properly managed. In Section 3 (Contaminated Water Collection, Conveyance, and Disposal) in Part III Attachment 15 (Contaminated Water Management Plan) the Applicant states that all contaminated water from the tipping floor and transfer tunnel will be collected in sumps and pumped to a contaminated water holding tank on the site. In accordance with 30 TAC § 330.207(a) contaminated water from the holding tank will be disposed of by hauling off-site to an authorized facility.

COMMENT 29: DRAINAGE

One commenter expressed concern that the Application did not adequately address drainage under 30 TAC § 330.23(b), 330.61(k)(3) and (m), 330.63(c), 330.303, and 330.547.

RESPONSE 29:

The TCEQ rules in 30 TAC § 330.23(b) require the Executive Director to coordinate the review of all permit Applications for MSW disposal facilities with the appropriate district engineer to determine the need for a permit from the United States Army Corps of Engineers. The proposed facility is not a waste disposal facility; therefore, coordination with the Corps of Engineers is not required.

As stated above, under 30 TAC § 330.61(k)(3), Applicants must submit information demonstrating how the municipal solid waste facility will comply with

applicable TPDES storm water permitting requirements. In Section 3 (Proposed Facilities) in Part III (Site Development Plan) on page III-3-4, the Applicant states that the facility has been designed to prevent the off-site discharge of waste or water that has come in contact with waste. Further, the facility has been designed to prevent discharge of pollutants into waters of the State or waters of the United States, as defined in the Texas Water Code and the Federal Clean Water Act. The proposed facility will be authorized to discharge storm water runoff from the site in accordance with the TPDES General Permit for Storm Water Discharges. The Notice of Intent (NOI) will be submitted to the TCEQ prior to commencement of operations.

Under 30 TAC § 330.61(m), an owner or operator is required to submit a Floodplains and Wetlands Statement that includes information concerning the location of floodplains, as well as a wetlands determination. In this case, the Applicant included a Floodplains and Wetlands Statement in the Application in Part I/II (General Application Requirements) on page I/II-11-1. The Floodplains and Wetlands Statement indicates that, according to the Flood Insurance Rate Map, no portions of the proposed site are within the 100-year floodplain, and that a review of the National Wetlands Inventory Map indicates no wetlands are present on the property.

Under 30 TAC § 330.63(c), an owner or operator of a municipal solid waste facility must include a statement that the facility design complies with the requirements of 30 TAC §330.303 of this title (relating to Surface Water Drainage for Municipal Solid Waste Facilities). 30 TAC § 330.303 requires that a facility must be constructed, maintained, and operated to manage run-on and runoff during the peak discharge of a 25-year 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. Also, surface water drainage in and around a facility shall be controlled to minimize surface water running onto, into, and off the treatment area. 30 TAC § 330.303(b).

In Section 3.7 (Surface Water Drainage Report) of Part III (Site Development Plan) on page III-3-3, the Applicant states, "The facility has been designed in accordance with 30 TAC § 330.303." In Section 3.7 (Surface Water Drainage Report) of Part III (Site Development Plan) on page III-3-3, the Applicant explains that the operation of the facility will be conducted in such a manner as to prevent surface water or groundwater pollution, the site will be graded to prevent storm water run-on into the transfer station building and tunnel, transfer station operations will be conducted entirely within the transfer station building, and the building and transfer tunnel will be constructed with floor drains/sumps to capture and manage wash water that will be handled as contaminated water. In Appendix 6A on pages 6A-9 through 6A-13, the Application contains hydrologic calculations demonstrating that the transfer station site is designed to manage run-on and runoff during the peak discharge of a 25-year rainfall event.

Under 30 TAC § 330.547, no solid waste disposal operation shall be permitted in areas that are located in a 100-year floodway. In Part I/II (General Application Requirements) on page I/II-11-1 of the Application, the Applicant states that the Flood

Insurance Rate Map indicates that no portions of the proposed site are within the 100-year floodplain.

COMMENT 30: FIRE PREVENTION

Several commenters expressed concern that the proposed facility would reasonably increase the hazard from fire. Other commenters expressed concern that the local fire departments are not equipped to handle the potential fire hazard that the proposed facility poses. Some commenters argued that the Applicant's intention to use a well on the Duncan Disposal facility for firefighting purposes is insufficient.

RESPONSE 30:

Operational standards for transfer stations require applicants to establish several measures to protect against fire. The TCEQ rules contained in 30 TAC §330.221 (relating to Fire Protection) require that an adequate supply of water under pressure be available for firefighting purposes. This section also requires that firefighting equipment must be readily available, that a firefighting plan shall be established, and all employees trained in its contents and use. 30 TAC §§ 330.221(b)-(c).

The Applicant has a Fire Protection Plan in Section 8 on page IV-8-1 of the Site Operating Plan, which includes general rules for fires, a list of fire fighting equipment that will be maintained at the facility, fire prevention procedures, and specific fire fighting methods. Adequate potable water for domestic needs and fire fighting purposes will be provided by a water well on the Duncan Disposal property to supply a ground storage to the site. For firefighting purposes, the water ground storage tank will have a minimum 15,000 gallon capacity and a pumping system capable of delivering 500 gallons per minute connected to a standpipe and hose reel located within the transfer station building. A description of personnel training regarding fire protection and prevention, including fire extinguisher use, and emergency response is included in the Application in Section 2 at page IV-2-3 of the Site Operating Plan.

COMMENT 31: FACILITY SIGN

One Commenter expressed concern that the Application does not indicate how the Applicant intends to comply with the requirement to post a sign at the facility entrance found at 30 TAC § 330.231.

RESPONSE 31:

Under 30 TAC § 330.231, a facility must display a sign at all entrances to the facility through which wastes are received. The sign must measure at least four feet by four feet with letters at least three inches in height. The sign must state the name of the facility, the type of facility it is, the hours and days of operation, and the facility rules.

Signage is addressed in Section 12 on page IV-12-1 of the Site Operating Plan, and states, "The transfer station will install and maintain a sign at the site entrance measuring at least 4 feet by 4 feet with letters at least 3 inches in height stating the facility name, type of site (i.e., Transfer Station), the hours and days of operation, and the facility permit number. Other signs stating prohibited waste and warnings also will also

[sic] be posted in this area.” According to the Site Development Plan shown in Drawing No. 6.1, the entrance gate to the facility will be the most northerly driveway off Nu Energy Drive into the site. The Landscaping Plan included in the Application as Appendix IVA also indicates the location of the signage at the entrance of the facility.

COMMENT 32: SOIL POLLUTION

Some commenters expressed concern that the facility would pollute the soil.

RESPONSE 32:

The draft permit would not allow any waste to be buried on site, and the Applicant will not store MSW on site. All wastes that are received will be transferred to trailers and removed from the site by the end of each working day. All waste transfer activities would take place inside the enclosed transfer station. Also, the owner or operator of the transfer station would be required to pick up any waste that is spilled on site and for two miles in either direction from the site entrance along the access roads to the site on a daily basis and return the waste to the tipping floor. See Section 13 (Control of Windblown Material and Litter and Materials along the Route to the Facility) on page IV-13-1 of the Site Operating Plan.

COMMENT 33: EMERGENCY PLANNING

One commenter expressed concern that the Application does not address emergency preparedness for natural disasters such as floods and tornados.

RESPONSE 33:

The TCEQ rules for transfer stations do not require specific requirements for emergency preparedness for natural disasters such as floods and tornados. However, in Section 16 (Overloading and Breakdown) on page IV-16-1 of the Site Operating Plan, the Applicant states, “...If a significant work stoppage occurs at the transfer station due to a mechanical breakdown or other causes [which could include natural disasters such as floods or tornados], the facility will restrict the receiving of solid waste and direct incoming solid waste to a permitted area landfill and/or other approved waste management facility. If the work stoppage is anticipated to last long enough to create objectionable odors, insect breeding, or harborage of vectors, steps will be taken to remove the accumulated solid waste from the site to a permitted area landfill and/or other approved waste management facility....” Also, in Section 2 (Transfer Station Personnel) on page IV-2-2 of the Site Operating Plan, the Applicant states that employees will attend training and/or safety meetings at least once per month to discuss safety topics including “...emergency and contingency plans....”

Regarding flooding, under 30 TAC § 330.547, no solid waste disposal operation shall be permitted in areas that are located in a 100-year floodway. As stated earlier, in Part I/II (General Application Requirements) on page I/II-11-1 of the Application, the Applicant has submitted a Flood Insurance Rate Map which indicates that no portions of the proposed site are within the 100-year floodplain.

E. AIR POLLUTION

COMMENT 34: AIR IMPACT

Many commenters expressed a general concern that the proposed facility will cause air pollution.

RESPONSE 34:

While the TCEQ is the agency responsible for enforcing air pollution laws and all facilities and air pollution abatement devices must obtain authorization prior to construction. 30 TAC § 330.245(b), this authorization must either be from Chapter 116 of the Texas Administrative Code, or from Subchapter U of 30 TAC Chapter 330. The applicable authorization for the proposed facility depends on the size and nature of the facility. However, these authorizations, while required by the Municipal Solid Waste rules, are processed by the TCEQ Air Permits Division. 30 TAC § 330.245(b).

COMMENT 35: TRAFFIC AND EMISSIONS

Commenters expressed concern about the contribution to air pollution from the trucks entering and exiting the facility, and raised concerns that the area is already in a non-attainment zone.

RESPONSE 35:

The TCEQ rules do not require an applicant to analyze air pollution resulting from the use of trucks in an individual permit Application. Trucks are categorized by the Air Permits Division of TCEQ as mobile sources and their emissions, by definition, are not subject to review under the new source review permitting requirements of the Clean Air Act.

F. WATER QUALITY AND AVAILABILITY

COMMENT 36: GENERAL WATER IMPACTS

Many commenters expressed general concerns over the proposed facility's impact on water. Of these commenters, many expressed a concern that the facility would have a negative impact on surface water from run-off. Some commenters expressed a more-specific concern that the proposed facility would produce run-off that would infiltrate a creek bed that flows from the proposed site to the Clear Fork of the Trinity River. One commenter expressed concern that the proposed facility would potentially raise the bacteria levels in nearby surface waters.

Others expressed concern that the proposed facility would have a negative impact on groundwater and/or on the wells of local residences and businesses. In particular, several commenters expressed concern that the facility would produce wastewater that could potentially have a negative impact on groundwater, including contact wastewater, incidental amounts of household hazardous waste on the tipping floor, and contaminated

water from trucks entering and exiting the facility – particularly water containing petroleum-based chemicals.

Finally, several commenters expressed concern that the proposed facility may impact the quality of the Paluxy Aquifer.

RESPONSE 36:

The TCEQ rules contained in 30 TAC §330.207 (relating to Contaminated Water Management) require that, "...all liquids resulting from the operation of solid waste facilities shall be disposed of in a manner that will not cause surface water or groundwater pollution..." The plans for the proposed waste transfer station indicate that non-contaminated surface water will be redirected around the proposed transfer station building and access roads, and into the existing natural drainage channel, thence to the Clear Fork of the Trinity River. All water which becomes contaminated by contact with waste will be collected in sumps on the tipping floor and drive-through loading tunnel, pumped to a holding tank, then hauled away to be disposed in a permitted wastewater treatment system.

COMMENT 37: UNDERWATER TANKS

Some commenters expressed concern that underground water holding tanks at the proposed facility will potentially pollute groundwater and/or nearby wells.

RESPONSE 37:

There are no underground water holding tanks planned for this facility. At the present time, the Applicant plans to take domestic sewage from restroom facilities in the transfer station and scale house by pipeline to the existing aerobic wastewater treatment system which serves Duncan Disposal to the north. Drawing No. 1B in Part III Site Development Plan indicates the approximate location of the water supply tank and contaminated water holding tank. Both tanks will be above ground on concrete slabs. In addition, in Section 1 (Purpose and Scope) on page 15-1-1 of Part III Attachment 15 Contaminated Water Plan, the Applicant states the proposed contaminated water holding tank will be either an enclosed double-walled tank or an enclosed single-walled tank placed inside a concrete secondary containment wall that will be constructed to detain the entire capacity of the holding tank and provide sufficient freeboard for precipitation.

COMMENT 38: SEPTIC SYSTEMS

Several commenters expressed concern over the proposed use of an aerobic septic system at the proposed facility and the potential for it to impact groundwater or surface waters.

One commenter suggested that the Contaminated Water Management Plan is deficient because it provides for the use of an existing aerobic treatment system on an adjacent property. This commenter argued that this does not comply with 30 TAC § 330.207(a), which states that an on site wastewater treatment systems must comply with the On Site Sewage Facility requirements of 30 TAC § 285, because this would constitute

and illegal cluster system.

Other commenters expressed concern that the operator of the proposed facility would use the septic system for wash water and stray waste, and that aerobic septic systems are not designed for such use.

RESPONSE 38:

Under 30 TAC § 330.207 (relating to Contaminated Water Management), applicants must demonstrate how all liquid wastes resulting from the operation of solid waste facilities will be disposed of in a manner that will not cause surface water or groundwater pollution. "Contaminated water" is specifically defined as "leachate, gas condensate, or water that has come into contact with waste." See 30 TAC § 330.3(36). The owner or operator may employ one of several methods for managing contaminated water, such as connecting to a public sewer system, connecting to a small wastewater treatment plant, using a septic system, or by sending contaminated water off site to an authorized facility. See 30 TAC § 330.207(a). If an owner or operator elects to use an on-site wastewater treatment system then, according to 30 TAC § 330.207(a), the system must comply with 30 TAC Chapter 285.

In this case, the Applicant indicated that contaminated water will be stored on site and then shipped off site to an authorized facility for treatment. The anaerobic septic system to which the commenters refer is proposed to be used by the Applicant for management of domestic wastewater resulting from the facility restrooms, and not contaminated water. The Applicant appears to have submitted the information regarding the anaerobic septic system to demonstrate compliance with 30 TAC § 330.249, which requires the owner or operator to provide potable water and sanitary facilities for all employees and visitors.

COMMENT 39: WATER RESOURCES

Several commenters expressed concern that the proposed facility would place undue stress on the availability of water resources in the area. In particular, one commenter suggested that the anticipated, daily water usage represented by the Application (300 gallons) is underestimated.

Another commenter argued that it is not possible to assess the adequacy of the Applicant's water usage for sanitation and firefighting purposes because the Application merely duplicates the language of 30 TAC §§ 330.243, and 330.249.

RESPONSE 39:

The TCEQ has no rules pertaining to municipal solid waste permits that would restrict or otherwise limit the amount of water a proposed facility may use in its operations. A related MSW rule that addresses water use by a transfer station is found at 30 TAC § 330.221, which requires that enough water under pressure be available for emergency fire response. The issue of fire protection is addressed in Response number 30 above.

G. HEALTH CONCERNS

COMMENT 40: GENERAL HEALTH CONCERNS

Many commenters expressed a general concern that the proposed facility would create a health concern for nearby residents. In particular, several commenters expressed concern that the facility would exacerbate or increase the risk of certain health problems, such as asthma, Chronic Obstructive Pulmonary Disease (COPD), congestive heart failure, respiratory problems, cancer, child leukemia, immune deficiencies, birth defects, spontaneous abortions, eye irritation, diarrhea, sleepiness, etc.

Several commenters expressed concern that the proposed facility would produce potentially harmful toxins or chemicals that would potentially cause health problems. In particular, many commenters expressed a concern that the facility would contribute to toxins in the air that could cause health problems. One commenter expressed concern that the chemicals used to deodorize the proposed facility could cause health problems

RESPONSE 40:

The ED has made a preliminary determination that the proposed MSW transfer station was designed in compliance with the Texas Solid Waste Disposal Act, and with the TCEQ's MSW rules and regulations developed to protect human health and the environment. If the proposed MSW transfer station is constructed and operated as shown in the Application and as required by the regulations, the ED expects human health and the environment to be protected.

The TCEQ Regional Office would inspect the MSW transfer station 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 this facility may be made by contacting the TCEQ Region 4 Office at 817-588-5800 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 "Make an Environmental Complaint" 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 41: HEALTH STUDIES

One commenter asked that an epidemiological study be performed before the permit Application is approved.

RESPONSE 41:

The current TCEQ rules do not require that applicants for a municipal solid waste transfer station perform an epidemiological study before or after submitting an Application.

H. PROCEDURAL ISSUES AND COMPLIANCE HISTORY

COMMENT 42: PUBLIC NOTICE

One commenter expressed concern that the public was not notified of the proposed facility early enough.

RESPONSE 42:

Notice for this Application was published and mailed in a manner consistent with TCEQ rules found at 30 TAC Chapter 39. The TCEQ received the Application in April of 2008 and declared technical completeness on May 29, 2008. The first notice (Notice of Receipt of Application and Intent to Obtain a New Municipal Solid Waste Permit) was published less than 30 days later, on June 23, 2008. For a complete summary of the procedural history of this Application, please refer to page 2.

COMMENT 43: ACCESS TO THE APPLICATION

One commenter expressed concern that a copy of the Application, the Executive Director's preliminary decision, and the draft permit were not available for viewing at the East Parker County Library, as stated in the Notice of Application and Preliminary decision, and as required by 30 TAC § 39.405(g).

RESPONSE 43

In response to this comment, staff from the TCEQ Regional Office located in Fort Worth went to the East Parker County Library and confirmed that the Application is on file there.

COMMENT 44: PUBLIC MEETINGS

Several commenters expressed concern that many people were unaware of the permit Application because the first public meeting was held in Weatherford, Texas, and not in Aledo, Texas. Other commenters expressed concern that the public meetings were held on too short of notice. One commenter expressed concern that there was no representative from the Office of Public Interest Counsel present at the public meeting.

RESPONSE 44:

At any time, the Executive Director or the Office of Public Assistance may hold a public meeting on an Application; however, the Executive Director or the Office of Public assistance must hold a public meeting under certain circumstances. *See* 30 TAC § 55.154. These circumstances include 1) when the Executive Director concludes that there is a substantial or significant degree of public interest in an Application, 2) when a member of the legislature who represents the general area in which the facility is located or proposed to be located requests that a public meeting be held, or 3) when it is otherwise required by law. 30 TAC § 55.154(c). *See also* 30 TAC § 39.501(e)(2).

Under the rules, a public meeting must be held in the county in which the proposed activity or facility is located. 30 TAC § 55.154(b). *See also* 30 TAC § 39.501(e)(2)(A)(i). To satisfy the publication requirements for a public meeting, an

applicant must publish notice of the public meeting three times in the newspaper with the largest circulation that is published in the county in which the facility is proposed to be located. 30 TAC § 39.501(e)(5). *See also* 30 TAC § 39.405(f)(2). These notices must be published once every week for the three weeks preceding the public meeting. 30 TAC § 39.501(e)(5).

In this case, both public meetings were required by rule because a local legislator requested the meeting. The February 12, 2009 public meeting was in response to a letter from State Representative Phil King, received on October 30, 2008. The February 2009 public meeting was held at the Doss Heritage Center in Weatherford, Parker County, Texas. The affidavit of publication for this public meeting indicates that notice was published in the *Weatherford Democrat* on January 23, 2009, January 30, 2009, and February 6, 2009. The May 21, 2009 public meeting was also in response to a letter from Representative Phil King, received on March 2, 2009. In that letter, Representative King specifically requested that the second public meeting take place in Aledo. The May 2009 public meeting was held at the Aledo High School Auditorium in Aledo, Parker County, Texas. The affidavit of publication for this meeting indicates that notice was published in the *Weatherford Democrat* on May 1, 2009, May 8, 2009, and May 15, 2009.

The Office of Public Interest Counsel is not required to attend any public meeting.

COMMENT 45: NODs

One commenter expressed concern that the Application in this matter is a "moving target." In particular, the commenter suggested that five or more notices of deficiencies (NODs) is beyond the acceptable amount commonly allowed by TCEQ, and that the Applicant submitted additional information on September 10, 2009, which was after the Draft Permit was issued.

RESPONSE 45:

TCEQ rules relating to the technical review of permits require the Executive Director's staff to notify the applicant promptly of any additional technical information that is necessary for a complete review. *See* 30 TAC § 281.19(b). The TCEQ MSW Permits Section currently has no written or customary number of notice of deficiency (NOD) letters which can be issued on a permit Application.

In this case there were four NODs issued by the MSW Permits Section on August 22, 2008, November 4, 2008, February 20, 2009, and June 25, 2009. The February 20, 2009 NOD was mailed because of concerns expressed by citizens at the first public meeting on February 12, 2009. The June 25, 2009 NOD was mailed because of additional concerns expressed at the second public meeting on May 21, 2009. An email was sent to DeShazo, Tang & Associates (traffic study consultant for the Applicant) on August 14, 2009 requesting additional traffic information at the intersection of FM 1187 and Interstate 20. The attorney for the Applicant addressed this email to DeShazo, Tang & Associates in a telephone conversation on August 19, 2009 in which he advised the requested traffic information was not available because the requested location was outside the 1-mile limit from the proposed transfer station site. A Water Well Map

compiled from a Texas Water Development Board Groundwater Database on September 3, 2009 (the same date the Application was declared Technically Complete) was submitted by the Applicant's engineer and received by the TCEQ on September 14, 2009. This Water Well Map was submitted by the engineer to replace an earlier version compiled in June of 2007 that was included in the original Application.

COMMENT 46: PROPERTY OWNER AFFIDAVIT

Some commenters noted that the Property Owner Affidavit is not signed by the Applicant, but by the representative of an entity that is not the Applicant.

One commenter indicated that the signature on the Property Owner Affidavit and the Application were not consistent since Nicholas Stefkovich identifies himself as "Vice President of Republic Waste Services of Texas GP, Inc." on the former and "Area President, North Texas Area" on the latter. The commenter contended that this does not comply with 30 TAC § 305.44.

Some commenters also argued that the Property Owner Affidavit is not properly notarized, and is therefore invalid

RESPONSE 46:

On December 15, 2009 the Applicant submitted supplemental revisions to the Application. As part of that submittal the Applicant clarified that Republic Waste Services of Texas, Ltd is a limited partnership, and clarified that Mr. Stefkovich's job title is "Vice President for the general partner, Republic Waste Services of Texas, GP, Inc."

COMMENT 47: CORPORATE STRUCTURE

One commenter argued that the Application fails to comply with 30 TAC §§ 281.5 and 330.59(e) because the verification of the applicant's legal status is deficient. In particular, the commenter stated that the Application falsely stated that Republic Waste Services of Texas, Ltd. will be the sole owner of the proposed facility when Republic Waste Services of Texas, GP is the general partner of the Applicant and may have over a 20% ownership in the proposed facility.

RESPONSE 47:

The Applicant has revised the Core Data Form to reflect that Republic Waste Services of Texas, Ltd. is a limited partnership. The Core Data form also indicates that Republic Waste Services of Texas, Ltd. will be the owner and operator of the proposed facility.

COMMENT 48: EVIDENCE OF COMPETENCY

One commenter suggested that because the Evidence of Competency cited Republic Waste Services of Texas, Ltd. as a wholly owned subsidiary of Republic Services, Inc. in the original Application, but was deleted in subsequent copies of the

Application, that the original still applies because it was not deleted or crossed out in the original. 30 TAC § 330.59(f).

RESPONSE 48:

The Applicant has clarified the corporate structure of Republic Waste Services of Texas, Ltd. as explained in Response Number 47.

COMMENT 49: OTHER SOLID WASTE SITES OWEND BY APPLICANT

One commenter suggested that the Applicant failed to include a complete list of Texas solid waste sites that the Applicant has owned or operated in the past 10 years under 30 TAC 330.59(f)(1), especially sites owned by Duncan Disposal.

RESPONSE 49:

Subsection 330.59(f), 30 TAC requires the Applicant to demonstrate evidence of competency to operate a facility. The Applicant must list all Texas solid waste sites that the owner or operator has owned or operated within the last ten years; list all solid waste sites in all states, territories, or countries in which the owner or operator has a direct financial interest; state that a licensed solid waste facility supervisor shall be employed before commencing facility operation; list the names of the principals and supervisors of the owner's or operator's organizations together with previous affiliations with other organizations engaged in solid waste activities; show landfilling and earthmoving experience, and other pertinent experience or licenses possessed by key personnel as well as list the number and size of each type of equipment to be dedicated to facility operation. The Application provides discussions on the evidence of competency, while the required submittals are provided under Documentation in Parts I/II of the Application. The Executive Director has made a preliminary determination that the evidence of competency discussions and submittals provided in the Application meet the requirements of the rule cited above.

COMMENT 50: IDENTITY OF PRINCIPALS AND SUPERVISORS

One commenter suggested that the Application did not include the names of the principals and supervisors of the Applicant's organization and their previous affiliations with other organizations engaged in solid waste activities, as required by 30 TAC § 330.59(f)(4).

RESPONSE 50:

Based on the information submitted by the Applicant, the Executive Director has made a preliminary determination that the Application complies with applicable TCEQ rules. This preliminary determination can be reexamined and may be modified if new information is received.

COMMENT 51: FACILITY ADDRESS

One commenter suggested that the property owner information does not comply with 30 TAC § 330.59(d). In particular, the commenter indicated that 116 Nu Energy Drive is the address for the adjacent Duncan Disposal site, and not the location of the real

property upon which the proposed facility will be built. Further, the commenter suggested that if the Applicant wishes to use portions of the Duncan disposal property, then the property must be re-platted under 30 TAC § 330.59(d).

RESPONSE 51:

Updated information provided by the Applicant indicates that the physical or street address of the facility is 0.3 miles southwest of intersection IH-20 and Nu Energy Drive.

COMMENT 52: ADDITIONAL PERMITS

One commenter suggested that the Applicant did not obtain appropriate permits or approvals from local governments, as required by 30 TAC § 330.67(d). In particular, the commenter suggested that the Applicant did not show proof that their proposed well is registered with or permitted by the Upper Trinity Groundwater Conservation District.

RESPONSE 52:

If the permit is issued, the Applicant will be required to obtain all necessary permits as required by 30 TAC § 330.67 (d), however, the Applicant is not required to obtain these permits prior to a permit being issued.

COMMENT 53: NCTCOG

One commenter questioned whether the Application for the proposed facility complied with the North Central Texas Council of Government's (NCTCOG) Regional Solid waste Management Plan (RSWMP) since, according to the commenter, there is nothing in the RSWMG that calls for the creation of a transfer station in or near Aledo.

RESPONSE 53:

The Executive Director does not make a preliminary determination as to whether a solid waste management permit complies with an adopted RSWMP. Pursuant to 30 TAC § 330.61(p), the Executive Director requires an applicant to provide documentation showing 1) that Parts I and II of the Application were submitted for review to the applicable council of government for compliance with the RSWMP, and 2) that a review letter was requested from any local governments as appropriate for compliance with local solid waste plans. Receipt of the review letter is not a prerequisite to a final determination on a permit Application. In this case the Applicant submitted a copy of correspondence with NCTCOG. The correspondence from NCTCOG, dated October 11, 2007, indicates that it is their opinion that the proposed facility is in conformance with the RSWMP.

COMMENT 54: COMPLIANCE HISTORY

Several commenters expressed concern that the Applicant has shown an inability in the past to comply with applicable environmental laws, or that the compliance history of the Applicant is poor.

In particular, one commenter suggested that the compliance history was not completed properly because the Application failed to indicate all members of the

company that own at least 20% of the Applicant, which is a factor in compliance histories under 30 TAC 305.66(1).

Furthermore, one commenter indicated that the compliance history used a different customer number than the Core Data sheet and that the compliance period was impermissibly shortened.

RESPONSE 54:

State law requires that an applicant's compliance history be taken into consideration before issuing a permit amendment. As part of the technical review of the permit Application, the TCEQ examines the compliance history of the company and the site pursuant to the criteria in 30 TAC Chapter 60. The compliance history includes multimedia compliance-related components about the site under review. These components include the following: enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emissions events, investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs and early compliance. More details on compliance history can be found on the TCEQ website at:

<http://www.tceq.state.tx.us/compliance/enforcement/history/about.html>

COMMENT 55: ENFORCEMENT

One commenter expressed concern that the facility will not be properly enforced under applicable regulations because it is in an unincorporated area.

RESPONSE 55:

Under the terms of the draft permit, the Applicant would be required to comply with all conditions of the draft permit. Failure to comply would constitute a violation of the permit, the rules of the Commission, and the Texas Solid Waste Disposal Act. *See* 30 TAC § 330.125(1). A violation would be grounds for an enforcement action, revocation, or suspension. The TCEQ has the authority to enforce the terms of the permits it issues, regardless of whether the facility is within the incorporated area of a municipality.

I. GENERAL OPPOSITION, SUPPORT, AND OTHER ISSUES

COMMENT 56: APPROVAL

Some commenters expressed approval for the proposed facility or asked that the permit Application be approved.

RESPONSE 56:

The Executive Director acknowledges these comments.

COMMENT 57: GENERAL OPPOSITION

Most commenters expressed a general opposition to the proposed facility or asked that the permit Application be denied.

More specifically, one commenter suggested that the permit should be denied because it does not provide “data of sufficient completeness, accuracy, and clarity to provide assurance that operation of the site will pose no reasonable probability of adverse effects on the health, welfare, environment, or physical property of nearby residences or property owners” as required by 30 TAC § 330.57(d).

RESPONSE 57:

The Executive Director acknowledges this comment. The TCEQ approves or denies permit Applications based on whether an Application meets requirements under the rules. The ED has made a preliminary determination that the technical information supplied in the Application was sufficient to draft a permit that is protective of human health, safety, and the environment.

COMMENT 58: LOCAL GOVERNMENTAL OPPOSITION

One commenter expressed concern that several local governments, pursuant to THSC § 361.067 and 30 TAC § 330.23(f) and (g), have either expressed disapproval for the proposed facility, or even passed resolutions against the proposed facility, including AISD, the City of Aledo, and the City of Willow Park.

RESPONSE 58:

TCEQ is aware that some local governmental entities are opposed to this Application and encourages those entities to participate in the public comment process. In addition, the Applicant has requested that this Application be referred to the State Office of Administrative Hearings for a hearing. Any local government that wishes to participate may seek party status at the preliminary hearing.

COMMENT 59: STATE HISTORIC COMMISSION

One commenter suggested that the Applicant has failed to coordinate with the State Historical Commission, as required by 30 TAC § 330.61(o). Some commenters indicated that Bankhead Highway is a historic segment of highway. These commenters also noted that the Texas Legislature designated Bankhead Highway as a Texas Historic Highway.

RESPONSE 59:

Under 30 TAC § 330.61(o), applicants must submit a review letter from the Texas Historical Commission documenting compliance with the Natural Resources Code, Chapter 191, Texas Antiquities Code. In this case the Applicant supplied in its Application a copy of correspondence with the Texas Historical Commission, dated June 26, 2007. The letter from SCS Engineers gave a brief description of the proposed Brazos Transfer Station site, and Site Development Plan, and included a copy of the Site Location Map and General Topographic Map for the project for review by the Texas

Historical Commission staff. The Texas Historical Commission returned a copy of the engineer's letter stamped, "No historic properties affected, project may proceed", signed by William A. Martin for F. Lawrence Oaks, State Historic Preservation Officer, on July 26, 2007.

After the TCEQ received the Application on April 7, 2008, the Texas Legislature passed House Bill 2644, Act of April 28, 2009 (81st Leg., R.S. 2009). The Act was signed by the Governor on June 19, 2009 and became effective on September 1, 2009. It is now codified at Tex. Gov't Code Ann. § 442.026. The Act designated the portion of Bankhead Highway which lies within the State of Texas as a Historic Highway. The Executive Director has received no further correspondence from the Texas Historical Commission.

COMMENT 60: APPLICANT'S VERACITY

Several commenters expressed concern over the veracity of the Applicant. In particular, commenters felt that the Applicant was misleading with statements made during the public meeting, or from one meeting to another. Other commenters felt that the Applicant was only saying what they thought the residents wanted to hear.

RESPONSE 60:

The Executive Director reviews permit Applications based on the contents of the Application. A permit Application must be completed and signed by the owner of the proposed facility, 30 TAC § 305.44(a), and the Applicant must include a certification stating that the information in the Application is, to the best of their knowledge, true, accurate and complete, and that they are "aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." 30 TAC § 305.44(b).

Accordingly, the Executive Director has made a preliminary determination that the technical information supplied in the Application was sufficient to draft a permit that is protective of human health, safety, and the environment. The Executive Director cannot account for the Applicant's inability to answer certain questions posed to them at the Public Meetings.

COMMENT 61: IMPACT ON WILDLIFE

Some commenters expressed concern that the proposed facility would have a negative impact on native wildlife. One commenter expressed concern that the proposed facility would threaten the habitat of protected species, such as blue herons, bobcats, and foxes. Another commenter expressed concern that the facility would have a negative impact on livestock.

RESPONSE 61:

The TCEQ rules continued in 30 TAC § 330.61 (Contents of Part II of the Application) in subparagraph (n) require that, "...the facility and operation of the facility shall not result in the destruction or adverse modification of the critical habitat of

endangered or threatened species, or cause or contribute to the taking of any endangered or threatened species.” The applicant has provided copies of their coordination letters to the Texas Parks and Wildlife Department and the U. S. Fish and Wildlife Service dated June 26, 2007. Response from the Texas Parks and Wildlife Department dated July 16, 2007 stated, “...because the proposed project would be located near existing roads and other development, habitat fragmentation and impact to fish and wildlife resources should be minimal....” Also, an email from Sean Edwards of the U. S. Fish and Wildlife Service dated July 17, 2007 stated, “...upon review of your letter and maps and our information, impacts to federally listed species known to occur in Parker County would be unlikely due to the absence of their preferred habitats and disturbance from nearby development. The Applicant also provided a report prepared by KBA EnviroScience, Inc. of Lewisville, Texas dated September 6, 2007, in which the consultants state, “...the site was evaluated for the potential presence of twenty-four endangered, threatened, candidate, or rare species identified in U. S. Fish and Wildlife Service (USFWS) and Texas Parks and Wildlife Department (TPWD) documentation and the presence or absence of suitable habitat for those species...The site does not contain suitable habitat for the listed species. None of the aforementioned species were observed onsite....”

Based on this information, the Executive Director has made a preliminary determination that the required information concerning endangered or threatened species was submitted with the Application.

COMMENT 62: ENVIRONMENTAL IMPACT STUDY

One commenter expressed concern that there is no Environmental Impact Study for this Application.

RESPONSE 62:

It is possible that the commenter intended to refer to what is known as an “environmental impact statement.” To the extent that was the case, the National Environmental Policy Act requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. To meet this requirement, federal agencies must prepare detailed statements known as an Environmental Impact Statements (EIS). An EIS is only required for a federal action and not for a state action, and therefore would not apply to this permit.

To the extent that the commenter referred to an “environmental impact study” in more general terms, TCEQ rules do not require applicants specifically to perform a comprehensive environmental impact study. However, an applicant for a Type V transfer station must meet the requirements of 30 TAC § 330.61, which requires all permit Applications to include an existing conditions summary, a waste acceptance plan, general location maps, facility layout maps, general topographic maps, an aerial photograph, land use maps, information regarding likely impacts on the surrounding area, information regarding likely impacts on transportation, a general geology and soil statement, information regarding impacts on groundwater and surface water, a list of any abandoned

oil or water wells, information regarding floodplains and wetlands, information on any endangered or threatened species, documentation of correspondence with the Texas Historical Commission, and documentation of review by local governments. The

COMMENT 63: WASTE CONVERSION INTO ENERGY

One commenter inquired as to whether the Applicant could convert the waste into energy.

RESPONSE 63:

TCEQ rules establish regulations and Application procedures for entities that wish to extract energy from municipal solid waste streams; however, the Applicant in this case does not propose to perform any energy extraction methods. One method of energy extraction established in the Rules requires a registration for facilities that recover landfill gases for beneficial reuse. This is known as a Type IX facility, which is ordinarily located on or adjacent to an active or closed landfill. See 30 TAC § 330.5(a)(7). The other general method contemplated by the Rules is known as a Type VI facility, which is for a facility that proposes to use a new or experimental method for energy extraction from municipal solid waste. See 30 TAC § 330.5(a)(4). A Type VI facility usually requires a permit, unless it is a method of energy extraction involving certain liquid wastes (registration required). The Applicant in this case is not required to utilize any such method under the requirements of a Type V facility and, if they wished to do so, would have to seek an additional permit or registration to perform such activity.

COMMENT 64: EPA GUIDANCE

Several commenters attached documents or pictures to their comments. In particular, several commenters attached a copy of the EPA document *Waste Transfer Stations: a Manual for Decision-Making*, publication number EPA530-R-02-002. These commenters suggested that this proposed facility would not reflect best management practices, as suggested by these outside sources. Other commenters suggested that the EPA document constituted EPA standards or requirements.

RESPONSE 64:

The Executive Director conducts a technical review of permit Applications based on their conformance with applicable Agency rules. In the case of municipal solid waste facilities, the applicable Agency rules are found at 30 TAC Ch. 330. These Rules were promulgated under the authority of the Texas Health and Safety Code, § 361.011 (establishing the authority of the TCEQ over the control and management of municipal solid waste) and the Texas Water Code § 5.103 (granting the TCEQ authority to promulgate rules necessary to carry out its powers and duties). See 31 TexReg 2591.

The publication cited above is a guidance document provided by the EPA. A guidance document may provide instructions for implementing EPA regulations, it may provide an elaboration of EPA's interpretation of rules or policies, and it may be addressed either to EPA staff or the regulated community. The document cited above states on page 49 that "No federal regulations exist that are specifically applicable to

transfer stations.” The ED staff reviewed the guidance document during its technical review; however, the publication is directed primarily at the regulated community and contains several suggestions that are beyond the jurisdiction of the TCEQ to require.

COMMENT 65: EPA NATIONAL PRIORITY LIST

One commenter expressed concern that transfer stations are often placed on the EPA’s **National Priority List** because of the presence of hazardous waste.

RESPONSE 65:

The Brazos Transfer Station will not be authorized to accept hazardous waste. The TCEQ rules in 30 TAC § 330.203 state, “...municipal solid waste facilities may not receive regulated hazardous waste, unless authorized in accordance with Chapter 335 of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste)...” However, the Hazard Ranking System (HRS) is the principal mechanism EPA uses to place uncontrolled waste sites on the National Priorities List (NPL). It is a numerically based screening system that uses information from initial, limited investigations - the preliminary assessment and the site inspection - to assess the relative potential of sites to pose a threat to human health or the environment. Any person or organization can petition EPA to conduct a preliminary assessment using the Preliminary Assessment Petition (PDF) available on-line at

http://www.epa.gov/superfund/programs/npl_hrs/papetition_oct02.pdf

Other information about the EPA National Priority List can be found on-line at

http://www.epa.gov/superfund/programs/npl_hrs/nplon.htm

COMMENT 66: WASTE MANAGEMENT MERGER

One commenter inquired as to whether the permit process should be delayed due to the alleged interest of Waste Management to purchase Republic Waste.

RESPONSE 66:

Potential mergers by an Applicant is not an issue which the ED’s staff considers when reviewing an Application for an MSW transfer station.

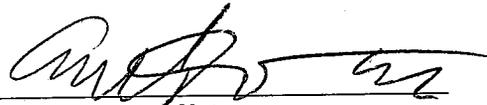
No changes to the draft permit have been made in response to public comments.

Respectfully submitted,

Texas Commission on Environmental
Quality

Mark R. Vickery, P.G.
Executive Director

Robert Martinez, Director
Environmental Law Division



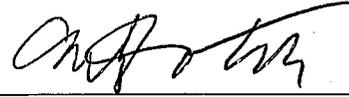
Anthony Tatu, Staff Attorney
Environmental Law Division
State Bar No. 00792869
P.O. Box 13087, MC 173
Austin, TX 78711-3087
512-239-5778

Daniel W. Ingersoll, Staff Attorney
Environmental Law Division
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Austin, TX 78711-3087
512-239-3668

REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS
COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on December 28, 2009, the "Executive Director's Response to Public Comment" for Permit No. 2356 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



Anthony Tatu, Staff Attorney
Environmental Law Division
State Bar No. 00792869

ATTACHMENT A
COMMENTERS

Republic Waste Services of Texas, LTD
MSW Permit No. 2356

REPUBLIC WASTE SERVICES OF TEXAS, LTD MSW PERMIT NO. 2356
COMMENTERS

Adams	Lesli	Barb	Kimberly
Adkins	C.W.	Barclay	Tiffany
Alanis	Dana	Barnett	Jennifer
Alanis	Victor	Barrett	Penny
Aledo ISD		Barron	Gloria
Alexander	Bobby	Barry	Chad
Allen	Francie	Bartell	Dorothy
Allison	Mandy	Bartley	Gary
Altangerel	Undraa	Bartley	Jay
Altom	Sarah	Barton	Kathryn
Anderson	Alton	Barton	Michael
Anderson	Gina	Barton	Stephen
Anderson	Kyra	Barton	Tina
Anderson	Laura	Bauer-Morrison	Teresa
Anderson	Shane	Baumeister	Allyson
Andrews	Sharia	Baumeister	Rick
Andringa	Laura	Beal	Lori
Aresnault	Jennifer	Beck	Jennifer
Ashford	Don	Berkovsky	Gay
Ashkinos	Howard	Berry	Gena
Ashkinos	Shannon	Bierle	Linda
Attaway	Julie	Bierle	Terry
Aucion	Dolan	Biggs	Carter
Aucion	Michelle	Blackburn	Kenneth
Austin	Esta	Blecher	Kathleen
Auth	Larry	Blecher	Raymond
Avery	Alan	Blount	Christy
Bailey	Sandra	Blount	Danny
Baker	Lonnie	Bobalik	Lucia
Ballard	Robert	Bogdanoff	James

REPUBLIC WASTE SERVICES OF TEXAS, LTD MSW PERMIT NO. 2356
COMMENTERS

Boland	Jennifer	Brown	Barry
Bond	Sally	Brown	Misty
Boomer	Kent	Brown	Sherry
Boothe	Ben	Brown II	Larry
Borders	Greg	Bruce	Kelsie
Bottom	Maureen	Brumley	Marilyn
Bowman	Dana	Brunson	Alicia
Bowman	Jennifer	Brunson	Cleve
Bowmen	Sarah	Bruton	Gary
Boyles	Emmett	Bryant	Gina
Bradford	Debbie	Bryant	Martha
Bradford	Dielle	Buchanan	Timothy
Bradham	Celeste	Bullard	Tracy
Bradham	Steve	Burch	Mindie
Bransom	Lisa	Burney	Joanna
Braudaway	Debbie	Busbee	Diane
Brauer	Robert	Busbee	Travis
Breaux	Katie	Byrd	Wendy
Breaux	Ken	Caldwell	Danielle
Breeding	Courtney	Caldwell	Michael
Bricker	Don	Calhoun	Charlie
Bridges	CA	Calkins	Anna
Brittain	Debbie	Cammack	Van
Britton	Tracey	Campbell	Johnny
Broesche	Linda	Campbell	Johnny, Miller, Janis
Bronson	Ben	Canion	Lisa
Bronson	Mark	Capps	Kerri
Bronson	Martha	Cardwell	Lauren
Brooke	Susan	Carlson	Joanne, Rigues, Bobby
Brookshire	Judy	Carney	Susan

REPUBLIC WASTE SERVICES OF TEXAS, LTD MSW PERMIT NO. 2356
COMMENTERS

Carr	Karen	Colvin	Torie
Carriker	Keven	Conn	Carolyn
Carter	Sheree	Connelly	Brian & Kristin
Cassady	Patricia	Connelly	Kristin
Caudle	Bryan	Conover	Pam
Cave	Becky	Contreras	Andrew
Cearley	Danny	Contreras	Lacy
Chamberlain	Shelia	Cook	Lori
Chapa	Oriando	Cooper	Amy
Chappell	Autumn	Cooper	Erin
Chase	John	Cooper	Martin
Childers	Trey	Cornelius	Gillian
Childs	Blake	Cottrell	Traci
Childs	Jill	Cox	James
Childs	Mark	Cox	Paula
Chisum	Teresa	Cox	Robert
Choate	Julie	Crawford	Jeff
Christian	Chad	Crimmings	Brittany
Christiansen	Pam	Crimmings	Ryan
Chruscielski	Kathy	Crow	Tommy
Clanton	LeAnne	Crumpler	Rachele
Clements	Laura	Currey	Billie (Frac. Tech)
Clinton	Barbara	Cushion	Scott
Clinton	Barbara	Cushion	Spencer
Cockerham	Terry	Cutaia	Bobbie
Cockrum	Patsy	Dalton	Jennifer
Coffman	Lauren	Dalton	Keith
Cole	Tonda	Dalton	Lisa
Collins	Gina	Dalton	Tricia
Collins	M	D'Amato	Mark

REPUBLIC WASTE SERVICES OF TEXAS, LTD MSW PERMIT NO. 2356
 COMMENTERS

Daniel	Don	Driskill	Beth
Daniel	R. Don	Drivdahl	Kendra
Davis	Fred	Duncan	Elizabeth
Davis	Gregg	Duncan	Meggan
Davis	Richard & Kay	Dunlap	Nancy
Davis	Roger	Dunlap	Paul
De Bree	Brian	Dunson	Stephen
Deacon	James	Echuga	Valerie
Deacon	Jean	Edsness	Kristy
Dean	Tamara	Edwards	Andy
Dearing	Joe	Edwards	Josh
Dearing Jr.	Joe	Edwards	Patrick
Deegear	Chuck	Eggleston	James
Deen	Viola	Eidsness	Kristy
Delgado	Claudia	Eldredge	Vickie
Delmas	Amanda	Ellebracht	Rod
Delmas	Bruce	Elliott	Debbie
Delorantis	Frank	Ellis	Christin
Dennis	Alice	Ellis	Robert
Denton	Misty	Ellison	Monte
Dereta	Kelly	Emond	Debra
Dereta	Patrick & Kelly	Engle	Sherri
Dickey	Justin C.	Ernst	Susan
Diomede	Joseph	Estes	Craig (Texas Senate)
Doberenz	Marvin	Etter	Jeff
Domingue	Melissa	Farnham	Mike
Dorrell	James	Farnham	Trena
Dotter	Aimee	Farr	Paige
Dotter	Wade	Ferguson	Bob & Beth
Douglas	Lloyd	Ferguson	Diane

REPUBLIC WASTE SERVICES OF TEXAS, LTD MSW PERMIT NO. 2356
COMMENTERS

Fields	Michael	Gilbert	Amanda
Fikes	Jill	Gilbert	Anne
Finch	Derek	Gilbert	Danny
Fischer	Beth	Gillespie	Garrison
Fischer	Stephen	Gillum	Debra
Ford	Jane	Glasgow	Marvin
Ford	Natalie	Gleaton	Marcus
Fore	Jesse	Gleaton	Shannon
Forman	Reagan	Gleeson	Jeff
Fraizer	Doug	Gleeson	Lori
France	Kittie	Glenn	Angela
Frantz	Bruce	Glenn	Brant
Frazier	Phillip	Goderya	Farida
French	Ray	Goldberg	Sharon
Frey	William	Goldman	Karen
Fritz	David	Gonzales	Melinda
Fritz	Debbie & David	Goodenough	Renee
Furlow	Debbie	Goolsby	LL
Furlow	John	Goolsby	M
Gabbert	Chrysteen	Gore	Karen
Gabbert	Mark	Gough	Brent A
Gallison	Frank & Nanette	Gough	Meredith
Garbert	Andra	Gough	Patti
Garrison	Chris	Graf	Jo
Gaskill	Jennifer	Graf	Kenneth
Gass	Natalie	Granier	Joel
Gebhardt	John & Linda	Granier	Joel
Genz	Karen	Gravatt	Brenda
Gholson	Taylor	Gravatt	Dean
Gigliotti	Cheryl	Green	Cindy

REPUBLIC WASTE SERVICES OF TEXAS, LTD MSW PERMIT NO. 2356
 COMMENTERS

Green	Steve	Harris	Brandie
Greene	Dee	Harris	Hoyt
Greene	Melinda	Harris	Marian
Greer	Laura	Harvard	Karen
Gribble	Sharon	Hawkins	Karen
Griffay	Tracy	Hawley	Curtis
Griffin	Chris	Hayes	Michelle
Griffin	Kirt	Hayes	Scott
Gromann	Lynn	Hayes	Terry
Grubbs	Valerie	Hayhurst	Stacey
Gunn	Molly	Hearn	LeeAnn
Gutierrez	Liz	Hearn	Phillip
Haeussler	Thomas	Heathcoat	B.J.
Halae	Sheri	Heiss	Chip
Hale	Alex	Heiss	Laura
Hale	Loretta	Hennessee	Kara
Hall	Claire	Henrie	R
Hall	Cris	Hensley	Jeff
Hall	Krista	Hickerson	Marie
Hall	Kristi	Hicks	Sharon E.
Hall	Sheri (173 Trinity Bluffs)	Hiebert	Gordon
Hall	Sheri (519 Pine)	Hiebert	Kim
Hammond	Wendy	Hill	Karie
Haney	Jayne	Hix-Pearce	Mandi
Harbuck	Craig	Holland	Lisa
Harder	James & Patricia	Holland	Michael
Hardt	Warren	Hooper	Justin
Hardwick	Kimberly	Hopkins	Blair
Hardy	Brian	Horacek	Karla
Harmon	Bob	Honor	Joe

REPUBLIC WASTE SERVICES OF TEXAS, LTD MSW PERMIT NO. 2356
COMMENTERS

Howe	Tresa	Jones	Edward
Howell	Julie	Jones	LeeAnn
Hubbard	Sharon E.	Jones	Llora
Huddleston	Melissa	Jones	S
Hudson	Donna	Karnes	Susan & Sam
Huettner	Glen	Kasper	Jessica
Huffhines	Joe	Kelm	Martha
Hughes	Alex	Kennemer	Kathy
Huhtanen	Carrie	Key	Angie
Huhtanen	Jeff	Key	Chad
Hyatt	Sydni L.	Key	Haley
Hyde	Alex	Key	Kelli
Hyde	Amy	Key	Reagan
Hyde	Randy	Khan	Stephanie
Jackson	Arvil	Killebrew	Sherry
Jackson	Carrie	Killebrew	Tom
Jackson	Joyce	King	Holly
Jacobs	Kathy	King	Phil
James	Rebecca	Kinney	Don
Januick	Joe	Kinney	Jo
Jennings	Caren	Kirkpatrick	Jennifer
Johnson	Deborah	Kirkpatrick	John
Johnson	Jeff	Kiser	Laurey
Johnson	Ronald	Kitchen	James
Johnson	Tracey	Kitson	Christy
Johnston	Jason	Klamsek	Jeanne
Johnston	Tiffany	Knight	Jacque
Jones	Anne	Knight	Karen
Jones	Deann	Knight	Sean
Jones	E.H.	Knox	Kerry

REPUBLIC WASTE SERVICES OF TEXAS, LTD MSW PERMIT NO. 2356
COMMENTERS

Kopez	Lamar	Lopez	Tonia
Lackey	Charles	Lorance	Chad
Lackey	Lance & Talisha	Lorance	Rebecca
Lackey	Talisha	Lovelace	Marsh
Lambert	Cynthia	Lozuk	David
Lantz	Jeffrey & Debra	Lucas	Anne
Lathrop	Terri	Lutz	Teresa
Laurenzo	David	Lyons	David & Mylinda
Laurenzo	Hana	Malaspina	Paula
Lawley	Dianne	Mann	Sherry
Lawley	Sandra	Manning	David
Lee	Alicia	Maples	Amanda
Levy	Allison	Marshall	Janet
Libby	Paula	Marshall	Kit
Lisa	Lisa	Marshall	Kit
Lisa	Mike	Marshall	John
Little	Brandi	Martin	Cherie
Little	Jerry	Martin	David
Little	Troy	Martin	Gary
Livingston	Kerry	Martin	Jim
Lock	Lisa	Marwan	Loretta
Logsdon	Christopher	Mason	David
Lookingbill	Larry	Mason	Lisa
Lookingbill	Larry & Vicki	Matheny	Andrea
Lookingbill	Vicki	Matthews	Karen
Lopez	Cecilia	Mauser	Karen
Lopez	Kellie	Mauser	Tim
Lopez	Lamar	Mauzy	Kim
Lopez	Lenise	Maxwell	Kelly
Lopez	Mali	Mayerchak	Donna

REPUBLIC WASTE SERVICES OF TEXAS, LTD MSW PERMIT NO. 2356
COMMENTERS

McAdams	Mark	Miller	Jennifer
McAdams	Vilma G.	Miller	Kelli
McCain	Kim	Miller	Ryan
McCandlish	Jamie	Milner	
McCane	Adam	Mitchell	Tammie
McCarty	Shelly	Moncrief	Julie
McCray	Dawn	Moncrief	Troy
McCurley	Julie	Monje	Tony
McDade	Tammy	Montgomery	Kimberly
McElroy	Mark	Montgomery	Lori
McGee	Tina	Moody	Amy
McHenry	William	Mooney	Kelly
McKee	Kevin	Mooney	Kelly
McKenzie	Sherry	Moore	David
McLean	Kelley	Moore	James
McLeRoy	William	Morales	Jessica
McMahon	Yvette	Morgan	Lauren
McNeal	Barbara	Morrill	Jay
Meadows	Karen	Morris	Cindi
Medrano	Joe	Morrow	Emily
Melanson	Mark	Morrow	Frank
Mervine	Sandra	Morrow	Karen
Mewbourn	Jack	Morrow	Sarah
Mewbourn	Lisa	Moss	Doyle
Miklos	Troy	Mulliniks	Brent
Milam	Marche	Mullins	Carl
Milano's Pizza	Concerned Citizen	Mullins	Laurie
Milby	Lisa	Murdock	Heather
Miller	Darren	Murphey	Emily
Miller	Janis & Campbell & Johnny	Myers	Kelly

REPUBLIC WASTE SERVICES OF TEXAS, LTD MSW PERMIT NO. 2356
COMMENTERS

Nagel	Sheila	Owens	Craig & Sophie
Nash	Tiffany	Owens	Sophie
Nelson	Andrea	Ownby	Karyn
Nelson	Jon	Ownby	Travis
Nelson	Lori	Paredes	Marianne
Nevarez	Jill	Park	Donald
Neverdousky	Cindi	Park	Donald
Neverdousky	Richard	Parrish	Betsy
Newberry	Becky	Pass	Carolyn
Newman	Teresa	Patrick	Darby
Nichols	Deena	Patrick	Karen
Nicholson	Ken	Patton	Terry
Nickelson	Brian	Paulsen	Tracy
Nigliazzo	Mike	Pearson	Brandon
Nigro	Tony	Pearson	Heather
Norman	June	Pennington	Scott
Norris	Jamie	Percefull	Lance
Nortier	Daneel	Perdue	Shannon
Nortier	Stephanie	Perry	Charles
Noskin	Erin	Peterson	Jennifer
Novak	Eva	Pettibon	Stephanie
Oaks	Robert	Pettigrew	Crystal
Odgen	Karen	Phillips	Debbie
O'Donald	Kelly	Phillips	Ellen
Oliver	George	Phillips	Miles
Orand	Theresa	Pickett	Darla
Orendorff	DeAnn	Pierce	Deborah
Osgood	Leanne	Pierce	Erin
Osgood	Leanne, Davis, David	Pinckard	Denneen
Owens	Craig	Plemons	Tisha

REPUBLIC WASTE SERVICES OF TEXAS, LTD MSW PERMIT NO. 2356
COMMENTERS

Plumlee	Marty	Ray Jr.	Hal R.
Plunk	Nancy	Raye	Christi
Pokrifcsak	Brian	Reed	Merrell
Pokrifcsak	Renee	Reed	Sara
Polak	Jeffry	Reedy	Debbie
Poole	Lisa	Reese	Becky
Post	Dennis	Reese	Curtis
Potter	Brad	Reese	Erin
Potts	Cory	Reneman	Marie
Powell	Pam	Renforth	Jim
Prellwitz	Heidi	Reynolds	Shannon
Prescott	Victoria	Reynolds	Terry
Price	Missy	Rhodes	John
Prickett	Shawn	Rice	Tara
Priddy	Patricia	Richard	Kevin
Prince	Zan	Rico	Tara
Pryor	Boyd	Rigues	Bobby, Carlson, Joanne
Psencik	Timothy	Riley	Cindy
Purvis	Kelley	Rinehart	Estee
Putnam	Mike	Rinks	Steve
Queen	Kristen	Risch	Doral
Raffety	Stacy	Rivas	Kim
Rákowitz	Bernie	Roach	Shelby
Ramos	Roy	Robb	Angie
Rasnick	Laura	Robbins	Janet
Ratliff	Monya	Roberts	Carol
Ratliff	Weldon	Rodgers	Judy
Raunikar	Marji	Rodgers	Mimi
Ray	Hal	Rodricks	Renata
Ray	Roy	Roewe	Carol

REPUBLIC WASTE SERVICES OF TEXAS, LTD MSW PERMIT NO. 2356
COMMENTERS

Roper	Jeff	Segura	Rebekah
Rossi	Kimberly	Sehnem	Tim
Rousseau	Kevin	Self	Barbara
Rousseau	Sandra	Self	Mark
Rowlands	Lara	Sell	Lois
Royal	Suzanne	Selph	Angie
Russell	Barbara	Serrato	Penny
Rutherford	Kay	Sharp	Bart
Sahs	Mary K.	Sharp	Catherine
Salon of Aledo		Sheehan	Mike
Samman	Marinda	Shelton	Brian
Sanders	Lara	Shelton	Penny
Sanders	Laura	Sheppard	Rob
Sanders	Matt	Sheppard	Tammy
Sanger	Deborah	Sheridan	Chuck & Laurie
Sanger	Robert	Shields	Susie
Saunders	Davina	Shiels	Cameron
Saunders	Davina & Michael	Shreckengast	Christine
Saunders	Mike	Shreckengast	Craig
Schierloh	Adam	Siddons	Kristi
Schlosberg	Aaron	Sillers	Robert
Schlosberg	Kellie	Sillers	Robert
Schmidt	Alan	Simmons	Jessica
Schmidt	Kathy	Simmons	Kelly
Schmitz	Cristal	Simmons	Kim
Scott	Candice J.	Simmons	Scott
Scott	Lora	Sims	Brooke
Scott	Staci	Sinnott	Heather
Scruggs	Farrell	Skillman	Chuck
Sears	Randall	Skillman	Courtney

REPUBLIC WASTE SERVICES OF TEXAS, LTD MSW PERMIT NO. 2356
COMMENTERS

Skinner	Alfred	Spreier	Sue
Skinner	Lori	Spreier	Tim
Skinner	Lori & Al	Stadler	Craig
Slabbekoorn	Christy	Stadler	Craig & Patti
Slemmons	Rebecca	Standley	Linda
Smick	Ashli	Stary	Micki
Smith	Bert	Stasey	David
Smith	Brenda	Stasey	Mary
Smith	Clifford	Staud	Jennie
Smith	Donna	Stegall	Wendi
Smith	Eric & Tanya	Stella	Anne
Smith	Erlene	Stella	John
Smith	Kevin	Stella	Mary
Smith	Kim	Stenzler-Vann	Elizabeth
Smith	Russell	Stephens	Angela
Smith	Staci	Stevens	Amy
Smith	Stephanie	Steward	James
Smith	Susan	Steward	Jennifer
Smithwick	Randall	Stiles	Graham
Snow	Jeremy	Stine	Jenica Rose
Snowden	Pam	Stine	Matthew
Sonnier-Wallis	Vickie	Stock	Christine
Sorem	Phyliss	Stock	Jerome
Speck	Nancy	Stone	Cindy
Speed	Christine	Stone	Darrell
Spence	Tanesa	Stratton	Aubrey
Spencer	Linda	Struble	John
Spencer	Randall	Stuart	Brandi
Spiers	Gregory	Stuart	James & Brandi
Spitler	Tammy	Stufflebeam	Jennifer

REPUBLIC WASTE SERVICES OF TEXAS, LTD MSW PERMIT NO. 2356
COMMENTERS

Suggs	Margaret	Torres	Joseph
Sutton	DeAnna	Torres	Taylor
Swart	Allison	Tosh	Samantha
Tago	Maria	Towns	Sherry
Tallant	Sibille	Trager	Amy
Tate	John	Trammell	Mike
Tatum	Kimberly	Trapp	Portia
Tatum	Mary	Trees	Jeffrey
Taylor	Kati	Trigg	Rose
Taylor	Cecilee	Truax	Jana
Taylor	Christopher	Truax	Randy
Taylor	Diane	Tubbs	Mayo
Taylor	Jeff	Turner	Kevin
Taylor	Jennifer	Turner	Mike
Taylor	Karen	Twedell	Cyndy
Taylor	Mary	Tyson	James
Taylor	Paul	Vrbas	Amber
Taylor	Ruth	Waggoner	Tammy
Tedford	Ammber	Walker	John
Tetro	Joseph	Walker	Karen
Thieme	Melissa	Walker	Misti
Thomas	Patti	Walker	Preston
Thompson	Sarah	Wallace	Gene
Thompson	Shana	Wallace	Kim
Thurman	Melissa	Walters	Marcia
Tillman	David	Walters	Tracey
Todd	Cari Ann	Walton	Karen
Todd	Fred & Cari Ann	Walton	Sherri
Tollefson	Susan	Ward	Bill
Tonroy	Jan	Ward	Carla

REPUBLIC WASTE SERVICES OF TEXAS, LTD MSW PERMIT NO. 2356
COMMENTERS

Ware	Logan	Wilson	Sheila
Ware	Mark	Winton	Leah
Ware	Melody	Withaeger	Frances
Ware	Sherry	Witherow	James
Ware	Timothy	Witkowski	Melinda
Weatherley	Allen	Womack	Geri
Weatherley	Karen	Womack	Jonathan
Webb	Jane	Womack	Jonathan
West	Laura	Wood	Larry
West	Tracye	Wood	Tammy
Whisenhunt	JoAnne	Wood	Steven
White	Cheryl	Woodward	Erik
White	Kerry	Woodward	Paula
White	Lisa	Woodward	Paula & Kenneth
White	Reigh Ellen	Wright	Deanna & Mark
Widener	Lana	Wright	Lisa
Wilber	Meta	Wyatt	Tony
Wilkins	Mike	Wylie	Tammy
Wilks	Lance	Wynne	Harry
Williams	Carl	Yates	Margie
Williams	Jennifer	Yates	Roger
Williams	Karen	Young	William
Williams	Kathy	Younger	Mark
Williams	Sara	Zaayer	Leah
Willmer	Clare	Zaayer	Michael
Willmer	Jonathan	Zambreski	April
Willoughby	Tara	Zeeb	Jim
Wilson	Becky	Zeigler	Bobby
Wilson	John	Zigelhofer	Betty
Willson	Mike	Zigelhofer	Ralph