

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Wednesday, June 8, 2022 10:42 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: jose_alva08@yahoo.com <jose_alva08@yahoo.com>
Sent: Wednesday, June 8, 2022 9:17 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Jose E Alvarez

EMAIL: jose_alva08@yahoo.com

COMPANY: Triple j Hot shot services

ADDRESS: 2715 TORINO REALE AVE
TEMPLE TX 76502-7995

PHONE: 2107052056

FAX:

COMMENTS: I would like to request a contested case hearing in regards to the landfill. My family and I bought a property less than a mile away from where the landfill will be. We have started making arrangements to build our forever home and are planning on moving in this year. We are very concerned about the impact the landfill will have on our health and health of our animals. The conservation lake 19 will be surrounded by the landfill and likely be contaminated by it. The contaminants will then flow down Williams Creek which borders our property on the south and

negatively impact wildlife that drink from that creek . Also the contaminants and blown trash that will fill our air can be detrimental to my my family's health especially our young kids. Theres research that shows exposure to hydrogen sulfide from landfills have been linked to lung cancer and other respiratory problems (NIH). I would also like to add the traffic the trash trucks will cause on TK pkwy will increase daily commute, can potentially cause accidents on that road and the heavy trucks will cause damage to the roads in the area. Thank you

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Sent: Wednesday, June 8, 2022 8:17 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: jose_alva08@yahoo.com <jose_alva08@yahoo.com>
Sent: Wednesday, June 8, 2022 7:25 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTITY NAME: CITY OF WACO LANDFILL

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msw
112581

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, October 1, 2018 2:12 PM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: CORRECTION: Public comment on Permit Number 2400

H

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 10:13 AM
To: PUBCOMMENT-WPD <pubcomment-wpd@tceq.texas.gov>; PUBCOMMENT-ELD <pubcomment-eld@tceq.texas.gov>; PUBCOMMENT-OCC2 <pubcomment-occ2@tceq.texas.gov>; PUBCOMMENT-OPIC <pubcomment-opic@tceq.texas.gov>
Subject: FW: Public comment on Permit Number 2400

From: Stephanie.amy9698@gmail.com <Stephanie.amy9698@gmail.com>
Sent: Wednesday, September 26, 2018 7:25 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Stephanie Marie Amy

E-MAIL: Stephanie.amy9698@gmail.com

COMPANY:

ADDRESS: PO BOX 452
AXTELL TX 76624-0452

mm

PHONE: 2547170388

FAX:

COMMENTS: I respectfully request a public hearing regarding Permit 2400 - Waco Landfill at FM 939 and Hwy 31. I have multiple concerns regarding this potential landfill being constructed in our community and this landfill would affect my family in many ways. Traveling on Hwy 31 daily - I fear for my daughter's lives as it is. The traffic along this highway is horrible at best. I am a volunteer firefighter and EMT for the community of Ek. There are times during the day that a call will go out and there isn't anyone available to respond. If we are able to respond, most of the local community departments in this area are not equipped to handle any type of landfill fire. We are not specially trained for toxic or hazardous fire. We do not have the man power to handle any type of toxic or hazardous fire. We do not have the equipment to handle a toxic or hazardous fire. I worry about being a first responder on the highway, having to respond to accidents. We have already seen too many fatality accidents along this highway due to drunk drivers going the wrong way, and the excessive speeds that people drive along this stretch of highway. I have seen motorcycles split into two, children and grandchildren being left behind due to stupidity and negligence. I fear what will happen when the Waco landfill is constructed. I fear that the number fatalities increase dramatically increase due to an additional 400 trucks or more on these roads that really aren't constructed for commercial traffic. We are still researching the number of violations that have been handed out to trash drivers for the City of Waco but I can tell you - it is staggering for sure. Please do not approve this permit #2400. Please deny the permit and save thousands of lives. Thank you.

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

MSW
112581

June 6, 2022

2022 JUN -7 PM 2: 31

CHIEF CLERKS OFFICE

Laurie Gharis, Chief Clerk
TCEQ (MC-105)
P.O. BOX 13087
Austin, TX 78711-3087

REVIEWED

JUN 07 2022

By GCW

H

RE: Request for a contested case hearing - Municipal Solid Waste Permit - Proposed Permit No. #2400

Laurie Gharis:

McLennan and Hill Counties Tehuacana Creek Water Control and Improvement District #1 (TCWCID#1) requests a contested case hearing on the above referenced permit.

TCWCID#1 wishes to contest the findings of the Executive Director that the permit application meets the requirements of applicable law, specifically regarding the easements held by TCWCID#1 on this site. The application continues to show disposal areas located on TCWCID#1's existing ingress-egress easement in violation of 30 TAC § 330.543(a) which states: "No solid waste unloading, storage, disposal or processing operation shall occur within any easement ... that crosses the facility.."

In formal comments mailed September 22, 2021 and received by the TCEQ on September 27, 2021, TCWCID#1 gave notice that the District held easements on the proposed landfill site. The existence of 2 of these easements has been acknowledged by both the City of Waco in their application and the Executive Director in his comments. TCWCID#1 believes the Executive Director erred in his analysis of the TCWCID#1 easements.

Background:

October 18, 2021 - NAPD issued

November 29, 2021 - End of comment period

On December 7, 2021, after the end of the comment period, the City of Waco submitted modifications to the permit application to the detriment of TCWCID#1. The City's submittal attempted to restrict TCWCID#1's existing access easement.

TCWCID#1 submitted additional comments and on January 7, 2022 the TCEQ received TCWCID#1's supplement to their previous comments protesting the changes submitted by the City of Waco.

TCWCID#1 submitted the following comments:

1. McLennan and Hill Counties Tehuacana Creek Water Control and Improvement District #1 (TCWCID#1) has not agreed to modify their easement which attaches to the entirety of the 503 acre landfill tract.
2. McLennan and Hill Counties Tehuacana Creek Water Control and Improvement District #1 (TCWCID#1) strongly disagrees with the City of Waco attempting to unilaterally modify the property rights in our easement using the TCEQ permitting process.
3. McLennan and Hill Counties Tehuacana Creek Water Control and Improvement District #1 (TCWCID#1) does not believe it is proper for the TCEQ to arbitrarily and unquestionably adopt the City of Waco's characterization of this easement. The District's current access is more than just ingress and egress to the inundation lands. The

originator of this restricted access proposal would appear to have limited experience navigating and moving vehicles or equipment through seasonally saturated post oak swamp land. This proposed restricted access is not equivalent to the District's current legal access and has the potential to be detrimental in an emergency situation.

4. McLennan and Hill Counties Tehuacana Creek Water Control and Improvement District #1 (TCWCID#1) does not believe it is proper for the TCEQ, as a regulatory agency, to interpret and adjudicate what property rights that may or may not exist in this easement nor be a party to the City's attempt to modify and/or restrict the District's full use and enjoyment of their rights. These rights are held by the District and not by the general public.

McLennan and Hill Counties Tehuacana Creek Water Control and Improvement District #1 (TCWCID#1) deems the City of Waco's December 7, 2021 submittal to be a material change to the permit application. Should our request to supplement our formal comments be denied, the District requests that the TCEQ issue a revised NAPD along with a requisite comment period.

On May 13, 2022 - TCWCID#1 received the Director's comments:

Comment 15 states:

"Dr. Lehr and Wendel Bordovsky asked whether the proposed facility would restrict easements onto the landfill property that are held by the Tehuacana Creek Water Control and Improvement District #1 (TCWCID) which it uses to maintain the dam."

TCWCID#1 believes this wording is a mischaracterization of TCWCID's easement concerns.

Comment 15 response paragraph 2 states:

"Part IV, Section 4.6.1 of the application states that no disposal, processing, unloading, or storage of solid waste would occur within any right-of-way or easement crossing the site of the facility, unless the easement has been relocated or abandoned."

TCWCID#1 has not relocated or abandon any easements.

Comment 15 response paragraph 3 states:

"Specific access arrangements between TCWCID and the Applicant are outside the scope of the Executive Director's review."

TCWCID#1 agrees with this comment; however, both the Applicant and the Director have ignored the location and encroachment on TCWCID#1's existing ingress-egress easement.

Based on the above, TCWCID#1 requests a hearing to determine answers to the six (6) following questions:

QUESTION #1 - Do easements exist and what are their nature?

TCWCID#1's easement analysis:

This analysis will be limited to the two easements acknowledged by the City of Waco and the Executive Director.

Easements referenced in Comment 15 response paragraph 4

designated as a “flowage easement” and “[t]his easement includes the right of ingress and egress at any time over and upon the above described land of the Grantor and any other land of the Grantor adjoining land.” which is commonly known as an ingress-egress easement.

Using the analysis of the Texas Supreme Court’s opinion in *Southwestern Electric Power Company v. Lynch*, these are considered two easements. Quoting from this opinion:

“The language in the SWEPCO easements grants:

an easement or right-of-way for an electric transmission and distributing line, consisting of variable numbers of wires, and all necessary or desirable appurtenances (including towers or poles made of wood, metal or other materials, telephone and telegraph wires, props and guys), at or near the location and along the general course now located and staked out by the said Company over, across and upon the following described lands

Together with the right of ingress and egress over [the Landowners’ predecessors-in-title’s] adjacent lands to or from said right-of-way for the purpose of constructing, reconstructing, inspecting, patrolling, hanging new wires on, maintaining and removing said line and appurtenances; the right to remove from said lands all trees (fruit trees excepted) and parts thereof, or other obstructions, which endanger or may interfere with the efficiency of said line or its appurtenances; and the right of exercising all other rights hereby granted. . . .

In sum, the plain language of the easements grants SWEPCO (1) a right-of-way on the Landowners’ properties on which SWEPCO may construct a transmission line along a particular course; and (2) the right of ingress and regress over the Landowners’ properties...”

From above opinion, please note: “In sum, the plain language of the easements...” - “easements” being plural recognizes two easements.

Similarly, the plain language of TCWCID#1’s easements grants (1) the right “...for the permanent storage and temporary detention, either or both, of any waters...; and (2) “... the right of ingress and egress at any time over and upon the above described land of the Grantor and any other land of the Grantor adjoining land.”

The Texas Supreme Court's opinion in Southwestern Electric Power Company v. Lynch goes on further:

“Because landowners purchase properties aware of any encumbrances, and easements are a common encumbrance, landowners are charged with notice of easements that may encumber their property, including easements that do not contain a specific width but instead include general language. See *Williams v. Thompson*, 256 S.W.2d 399, 403 (Tex. 1953)”

With respect to the Executive Director's analysis of the TCWCID#1 easements. The Texas Supreme Court's opinion in *Southwestern Electric Power Company v. Lynch* states:

“The Landowners were of course free to renegotiate the easements with SWEPCO, and in fact SWEPCO invited them to do so. But the Landowners did not agree to SWEPCO's proposed fixed width. As a result, the Landowners' properties remain burdened by general easements with no defined width.”

Similarly, TCWCID#1 invited the City of Waco to renegotiate the easements. TCWCID#1 and the City held meetings in April 2021 and on September 30, 2021. The City declined to agree with TCWCID's proposals and therefore the City's property remains burdened with a general easement with no defined width.

TCWCID#1 Summary:

- (1) The parties acknowledge the easements exist.
- (2) TCWCID#1's ingress-egress easement is a general easement with no defined width.
- (3) TCWCID#1 has not agreed to modify or abandon its easements.
- (4) The City of Waco property including the proposed disposal

sites remains burdened with a general easement with no defined width.

(5) 30 TAC § 330.543(a) states: No solid waste unloading, storage, disposal or processing operation shall occur within any easement ... that crosses the facility.

(6) The permit application appears to be in violation of 30 TAC § 330.543(a)

QUESTION #2 - Where are the easements located?

Based on analysis above, TCWCID#1 believes the entire site may be encumbered with a general easement with no defined width; however, TCWCID#1 has not performed a complete analysis.

Applicant did not locate TCWCID#1's ingress-egress easement in the application but then states in Part IV, Section 4.6.1 "that no disposal, processing, unloading, or storage of solid waste would occur within any right-of-way or easement crossing the site of the facility, unless the easement has been relocated or abandoned."

Common sense dictates that the location of an easement would be important if you are planning to avoid it. TCWCID#1's believes it is the responsibility of the Applicant to show the location of the existing ingress-egress easement so that the TCEQ can make a proper determination.

QUESTION #3 - Does TCWCID#1's ingress-egress easement meet the definition for "any easement" referenced in 30 TAC § 330.543(a) which states: "No solid waste unloading, storage, disposal or processing operation shall occur within any easement, buffer zone, or right-of way that crosses the facility."?

TCWCID#1's believes the plain language in this rule would indicate so.

QUESTION #4 - Does TCWCID#1's ingress-egress easement meet the definition for "right-of-way" referenced in 30 TAC § 330.543(a) which states: "No solid waste unloading, storage, disposal or processing operation shall occur within any easement, buffer zone, or right-of-way that crosses the facility."?

Black's Law Dictionary states: "Right of way" in its strict meaning, is the right of passage over another man's ground.

QUESTION #5 - Is permit approval based on existing conditions?

30 TAC § 330.67(a) states:

(a) It is the responsibility of an owner or operator to possess or acquire a sufficient interest in or right to the use of the surface estate of the property for which a permit is issued, including the access route. The granting of a permit does neither convey any property rights or interest in either real or personal property; nor does it authorize any injury to private property, invasion of personal rights, or impairment of previous contract rights; nor any infringement of federal, state, or local laws or regulations outside the scope of the authority under which a permit is issued.

The Applicant contains this hypothetical in their application:

Part IV, Section 4.6.1 of the application states "that no disposal, processing, unloading, or storage of solid waste would occur within any right-of-way or easement crossing the site of the facility, unless the easement has been relocated or abandoned."

The Applicant recognizes all of the other easements and applies appropriate buffer zones but pretends that TCWCID#1's ingress-egress easement does not exist and shows disposal

areas within the District's existing easement.

TCWCID#1 has not relocated or abandon any easements.

QUESTION #6 - Are there restrictions imposed by the TCEQ to prevent the City of Waco from constructing infrastructure improvements for their anticipated permit prior to the final approval of said permit?

TCWCID#1 firmly believes that it meets the definition of an "affected person" and for the reasons stated above requests a contested case hearing to answer the above questions,

Respectfully,



Wendel Bordovsky, PE, RPLS - Retired
President TCWCID#1

Correspondence may directed to:

Mailing Address -

TCWCID#1
c/o Wendel Bordovsky
P. O. Box 23829
Waco, Texas 76702

Phone - (254) 717-3279

Fax - (254) 772-4333

Email - wendel@goddardlegacy.com

EX

FROM: Federal Express
CARR: 273984468908
TRK#: 817/2022 1026
CLRK: CHRIS JACKSON
TO: GHARIS, LAURIE
BDG: F
PKG: 1
PCS: 1



RTE:
MSC: 105
GHARIS, LAURIE

A
%

ORIGIN 10/ACTR (284) 717-3279
RENDER 8
1102 HROU10 TOWER RD
UNION, TX 76204
UNITED STATES
LAURIE GHARIS

SHIP DATE: 08-JUN-82
ACT: 0.10 LB
CWT: 593849/58F2A21
BILL CREDIT CARD

12100 PARK 35 CIRCLE
MC-105 BLDG F
AUSTIN TX 78753



TRK# 2739 8446 8908
44 MMRA

78753
TX-US AUS

TUE - 07 JUN 10:30A
PRIORITY OVERNIGHT



CHIEF CLERKS OFFICE

2017 JUN -7 PM 2:29

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

velop

Align top of FedEx Express® shipping label

REVIEWED

SEP 28 2021

Office of The Chief Clerk
TCEQ
12100 Park 35 Circle, Bldg F
Austin, TX 78753

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2021 SEP 27 PM 3: 29

CHIEF CLERKS OFFICE

MSW

112581

RE: Formal Comments - Municipal Solid Waste Permit -
Proposed Permit No. #2400

McLennan and Hill Counties Tehuacana Creek Water Control and Improvement District #1 (TCWCID#1) has an easement on the entire 503 acre tract covered in the above referenced permit application and respectfully requests that the permit be denied as submitted.

TCWCID#1 is a Special Utility District created by an Act of the Texas Legislature who's primary purpose is flood control and has 29 different dam sites in eastern McLennan County and southern Hill County.

The district's primary responsibility is the inspection and maintenance of the sites through brush control and outlet works repairs.

TCWCID#1 as a Special Utility District also has the statutory authority to store and sell water.

The City of Waco has historically been a proponent of protecting their water supply. The City has previously filed suit against the then TNRCC over permitting for dairies in Bosque County and more recently abandoned plans to expand their existing landfill which is in proximity to Lake Waco primarily due to political opposition. The people residing within TCWCID#1 do not get to vote in the City elections and thus the City's concern for TCWCID#1's Site 19 has been minimal.

Background:

In July 2018, the District became aware that the City had purchased property for a landfill project. TCWCID#1's manager, Dr. Larry Lehr contacted the City to insure the City was aware that the District held an easement on the purchased tract and provided a copy of the easement to the City.

Dr. Lehr met with the then Mayor of Waco and visited the site and expressed concerns which resulted in zero follow up from the City.

In August 2019, the City held a hearing in Axtell with Waco's then City Manager. Dr. Lehr attended this meeting and commented on 2 primary areas that seemed deficient in their permit application. First was the wildlife study which ignored a pair of nesting bald eagles that reside in the area and second was the District's belief that the City needed to perform a water quality study on TCWCID#1's Site 19. Again there was no follow up from the City.

In the summer of 2020, the District initiated a grant request from Texas Water Development Board (TWDB) for a water quality study to be done by Freese & Nichols to establish baseline water quality conditions prior to landfill construction. After months of back & forth and paperwork submissions, the TWDB determined the District's request fell outside of the TWDB program criteria.

In October 2020, over one year after the Axtell hearing, the District approached the City to pay for 1/3 of the cost of the proposed water quality study. The City was noncommittal on any funding.

In April 2021, the City contacted the District to inform that the landfill permit application would be administratively complete in two weeks and suggested a meeting to discuss the District's concerns. (note: this was almost a full 3 years after the District had initiated contact with the City)

As the result of this meeting, the District made three (3) primary requests:

1. Protect the water quality in the lake by modifying the grading to route landfill runoff to a location downstream of the dam. This can be accomplished without any adverse affects or change in downstream discharge by revising the grading plan to route the runoff from properly designed detention ponds to the existing stilling basin downstream of the dam.
2. Have the City waive any claims to sovereign immunity since the City represented that they intended to design, build and operate the landfill to prevent any impairment to Site 19.
3. Pay for 1/3 of the cost of the water quality study.

The District has thus far been unable to reach an agreement with the City. The City did generously offered to pick up trash that washes into the lake within 30 days of the District giving written notification and provided that the trash meets the correct legal definition.

On August 30, 2021, the District approved engaging Freese & Nichols to perform a water quality study without City participation. This study should be completed within the next 18 months.


The public water utilities that provide service within TCWCID#1 boundaries rely almost exclusively on groundwater derived from the 2nd Trinity aquifer. This aquifer is a diminishing resource and is generally impaired with an elevated arsenic content. Surface water will eventually become essential to supplement the existing groundwater resources in this area. Common sense says that people are not going to want to drink landfill runoff water. The District has been proactive in attempting to protect Site 19 and believes our proposed modification request is reasonable. The District does not believe it to be in the public interest that this permit be approved as submitted.

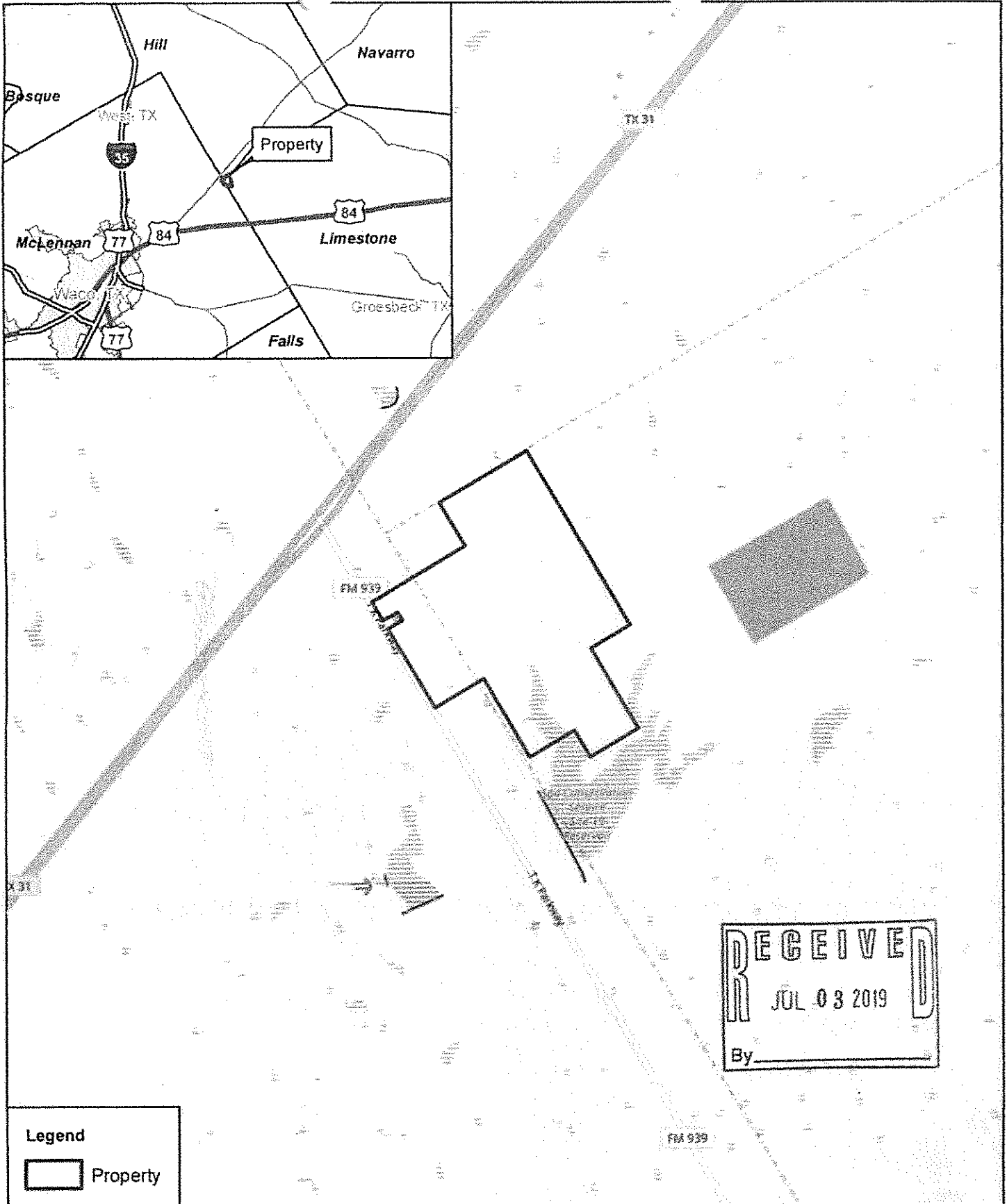
The taxpayers in TCWCID#1 do not deserve be placed in a position where the District may be compelled to acquire or condemn additional rights in our existing easement to protect Site 19 for water storage nor bear the expense of a contested case hearing.

Specifically, TCWCID#1 requests that the proposed Permit #2400 be denied absent modification to the grading plan to route landfill runoff downstream of the Site 19 dam.

Attached is a copy of Figure 1 from the USACE Public Notice for Project SWF-2017-00047 dated July 17, 2019 that shows the relationship of Site 19 to the 503 acre landfill site.

Respectfully,


Wendel Bordovsky, PE
President TCWCID#1



RECEIVED
 JUL 03 2019
 By _____

Legend
 Property

Horizon
 Environmental Services, Inc.

Date:	06/14/2019
Drawn:	TED
HJN NO:	150184.003 PA
Source:	OSM, 2019

Figure 1 of 6
 Vicinity Map
 SWF-2017-0047
 Waco Landfill - Site 50
 Axtell, McLennan & Limestone Counties, TX

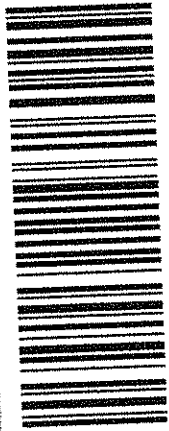
0 1,500 3,000
 Feet

Please return any written comments to:

TCWCID#1
c/o Wendel Bordovsky
P. O. Box 23829
Waco, Texas 76702

P. O. Box 23829
Waco, Texas 76702

CERTIFIED MAIL



70221 1970 0000 5164 7659



1000



78753

U.S. POSTAGE PAID
P.O. LG ENY
WACO, TX
76702
SEP 22 21
AMOUNT

\$6.16
\$6.16

R2304E105015-01

Office of The Chief Clerk
TCEQ
12100 Park 35 Circle, Bldg F
Austin, TX 78753

**RETURN RECEIPT
REQUESTED**

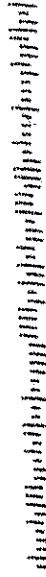
RECEIVED

SEP 27 2021
TCEQ MAIL CENTER
WT

TEXAS
COMMISSION ON ENVIRONMENTAL
QUALITY

Formal Comments MSWP #2400

7875331606 0015



Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 10:07 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
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Sent: Wednesday, September 26, 2018 8:23 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Alton M Boyett

E-MAIL: al.boyett@yahoo.com

COMPANY:

ADDRESS: 7664 E HIGHWAY 84
WACO TX 76705-4954

PHONE: 2548551785

FAX:

COMMENTS: I live and fly from the Wings for Christ airport. I am a private pilot and this airport is within 2.5 miles of a current landfill near Bellmead Texas. The proposed city of Waco landfill will be approximately 5 miles away. There have been numerous bird strikes in this area. Tstc (college), as well as military helicopters frequent this airport where I live and fly. During inclement weather these aircraft operations are at very low altitudes, which will likely encounter birds at the low altitudes. This is one of my concerns with this airport being sandwiched between two active landfills. Please

consider the safety of aircraft in flight as well as the people on the ground if a collision should occur. I request a contested case hearing

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 10:33 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: cindyboyett50@yahoo.com <cindyboyett50@yahoo.com>
Sent: Tuesday, September 25, 2018 9:57 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: MRS Cynthia Ann Boyett

E-MAIL: cindyboyett50@yahoo.com

COMPANY:

ADDRESS: 7664 E HIGHWAY 84
WACO TX 76705-4954

PHONE: 2547991449

FAX:

COMMENTS: I request a contested case hearing. The proposed landfill is within 6 miles of my home. I'm against the proposal due to traffic and the dangers of large trucks pulling out from the intersections. My grandchildren attend Axtell school and the traffic increases chances of major car accidents. The landfill would affect our environment and promote pollution. Our water table would be polluted. This farm land not a trash dump.

kmw

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, September 26, 2018 1:58 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-ELD; PUBCOMMENT-OPIC; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

H

From: julie_slayden@att.net <julie_slayden@att.net>
Sent: Tuesday, September 25, 2018 5:07 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: DR. Julie Michelle Brannen

E-MAIL: julie_slayden@att.net

COMPANY: Hidden Branch Stables

ADDRESS: 595 HURST RD
AXTELL TX 76624-1307

PHONE: 8067891618

FAX:

COMMENTS: I request a contested case hearing regarding the Waco landfill. As a resident of Axtell as well as an owner of a horse boarding facility in Axtell I have major objections to a landfill being built just miles from my home and business. My horse owners come out of Waco to enjoy the beautiful tranquil country. The landfill will destroy the tranquility as well as the safety of our beautiful country town. The garbage trucks will be load in our small quiet community as well as dangerous for our small roads. Thank you for your consideration.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, June 10, 2022 8:58 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: cdunlap12@outlook.com <cdunlap12@outlook.com>
Sent: Thursday, June 9, 2022 12:46 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTITY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Cynthia Banik Dunlap

EMAIL: cdunlap12@outlook.com

COMPANY:

ADDRESS: 211 STATE HIGHWAY 31
MOUNT CALM TX 76673-3163

PHONE: 2547448472

FAX:

COMMENTS: I, along with my husband, Joe, are staunchly opposed to the place of the proposed City of Waco Landfill at 4730 T K Parkway in Axtell, Texas. Our property borders the purchased property by 3500 feet of this proposed landfill and our home is within 1 mile of the proposed site. I am requesting a contested case hearing for the following reasons: A large lake sits adjacent to the purchased property and many streams flow through the property. A rather obvious concern is the potential for the water to be contaminated. Studies have identified that the current City of Waco landfill

has had seepage out of their containment of the landfill and been reported to the TCEQ with violations. What will be done by the City to preserve the water of our area when it doesn't protect the water within its own boundaries? The land affected by the proposed landfill is beautiful with many trees and small rolling hills. A 100 foot tall landfill will certainly impact the current state of the environment. Our home is due north of the proposed site. Certainly smell is a huge concern for us with our frequent strong, south winds. What will be done to control and contain the trash that will blow out of the trucks on their way to the proposed landfill and the trash that will be released into the community surrounding the landfill? So, the City was able to get the Texas Department of Transportation to build an overpass to address the hazardous traffic junction of Highway 31 and T K Parkway. However, the overpass is only one part of the concern; the other part of the concern is 700 vehicles a day congesting the roadways. Feral hogs are a nuisance in the area. With a landfill embedded within this space, what controls will be placed to control the hog population to not further invade the nearby lands? What controls will be placed to manage noise from the landfill? The area impacted by the proposed landfill is quiet and large trucks and other heavy equipment will obviously be disruptive and loud. The proposed landfill must have the same hours of operation as the current landfill of the City of Waco. For weekdays, the hours of accepting trash must be 8 am to 4:30 pm using 6:00 am to get the landfill ready to accept trash and then using the time from 4:30 to 6:30 pm to wrap up the landfill for night. On Saturdays, I propose the hours of operations being 8 to 11:30 am with the prep of the landfill at 6 am and then closing the landfill from 11:30 am to 1:30 pm.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Thursday, June 9, 2022 8:58 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: jdunlap@aatx.com <jdunlap@aatx.com>
Sent: Wednesday, June 8, 2022 3:48 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTITY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Joe Wilburn Dunlap

EMAIL: jdunlap@aatx.com

COMPANY:

**ADDRESS: 211 STATE HIGHWAY 31
MOUNT CALM TX 76673-3163**

PHONE: 2548552849

FAX:

COMMENTS: My name is Joe Dunlap and my wife Cynthia and I are "affected persons" as defined in the TCEQ letter dated May 10, 2022 to "All Interested Persons". I officially request a contested case hearing regarding TCEQ Permit 2400. We are definitely affected in a manner not common to the general public. Potential and likely impacts include but are not limited to the following: Our home is within 1 mile of the landfill site; we own property that borders the landfill site for approximately 3,500 feet; we could be impacted by odor emitting from the site, particularly given the prevailing

south wind and the position of our home; windblown trash from the site will most definitely accumulate on our bordering property and possibly in the immediate area of our home; our health could be negatively affected by gases and air contaminants emitted from the site, particularly given the proximity and the prevailing south winds; the marketability and value of our property, given the proximity of our home and the fact that much of our land directly borders the site; the inevitable and substantial increase in traffic involving large trucks, trailers, etc. will obviously increase the safety concerns in the immediate area; and finally, the clear and unambiguous impacts to our overall quality of life. Thank you for your consideration. Joe Dunlap

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Monday, November 29, 2021 8:51 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400
Attachments: Dunlap Public Comment letter Permit #2400.pdf

MSW
112581

RFR

From: jdunlap@aatx.com <jdunlap@aatx.com>
Sent: Wednesday, November 24, 2021 7:18 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME: CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Joe Wilburn Dunlap

E-MAIL: jdunlap@aatx.com

COMPANY:

ADDRESS: 211 STATE HIGHWAY 31
MOUNT CALM TX 76673-3163

PHONE: 2548552849

FAX:

COMMENTS: Please see the attached comments.

November 23, 2021

Cynthia and Joe Dunlap
211 State Highway 31
Mount Calm, Texas 76673
Cyndy's cell: 254-744-8472 and Joe's cell: 254-855-2849

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Proposed Permit No. 2400

To Whom It May Concern:

I, along with my husband, Joe, are staunchly opposed to the proposed City of Waco Landfill at 4730 T K Parkway in Axtell, Texas. Our property borders the purchased property slated for this landfill and our home is within 1 mile of the proposed site. In 1941, our grandparents settled on this property to farm and raise cattle. Subsequently, our parents purchased adjacent land to the original property to build a home and raise a family. My husband and I purchased adjacent property which now borders the proposed landfill site. In addition, 2.5 miles of the border to the landfill proposed site is owned by the Dunlap family including our mother, Joyce Dunlap; our brother and sister-in-law, Steven and Angie Dunlap; and, our niece and her husband, Kristen and Josh Boyd. We chose to live a quiet country life compared to the city with homes just a few feet away from each other.

We object to the clandestine manner in which the City of Waco purchased the property. The City Council and City of Waco Staff went through the secretive process of contracting for purchase of the initial 502 acres, initial testing of the land, and the development of a landfill permit for approximately 7 months without any transparency to the affected populations. In fact, the purchase of the property was accomplished through a straw buyer to hide the true purchaser of the property. Seven (7) days after the Council's vote to acquire the land, the City was able to immediately file a 300-page document for application to permit the landfill. Demonstrating continued insensitivity to the communities affected, the landfill permit showed two entrance roads to the landfill site with each road entering the site from 2 sides of the TK Cemetery. As an additional affront to the citizens of McLennan, Limestone and Hill Counties, one of the two disposal sites barely met the requirement of being 125 feet from the TK Parkway Road. These actions exhibit a lack of concern for these counties and their populations.

Second, the current City of Waco landfill resides within the Waco community itself. The citizens surrounding the current landfill have representation on the City Council to address their

concerns and consternations of living near a landfill. For my husband and me, who represents us? We do not have representation on the City Council. Who will take our phone calls? Address our concerns? Why should we trust that the City will do right by us in light of how they purchased the property in such a secretive fashion? We are being put upon by a government that has no obligation to us. We are being governed without any representation.

To demonstrate how far the City will go to get rid of its own trash, it purchased property 20 miles outside the City and now their trash trucks will have to travel 20 - 35 minutes to reach the proposed landfill. There appears to be no concern as to costs since the City decided to buy property so far away from City headquarters, increase travel time of the trucks, use more gasoline to pollute our air, and increase congestion on our roads. They are literally taking their trash from 20 miles away and dumping it in our front yard. In addition, the proposed site is intended to be a "regional" landfill and trash will be coming to our front door from several surrounding counties.

In addition to these costs, the City of Waco, as a means to get the proposed landfill approved, has collaborated with the Texas Department of Transportation to use Texas taxpayers' money, including mine, to build an overpass at the site of the junction of Highway 31 and T K Parkway. It has continued to buy more adjacent property to silence its opposition and minimize the voices to object to the proposed landfill site. No cost is too great in order to get the trash out of their city.

We have significant concerns about the effects of the proposed landfill site:

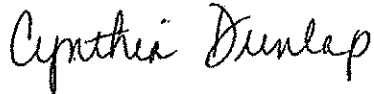
1. A large lake sits adjacent to the purchased property and many streams flow through the property. A rather obvious concern is the potential for the water to be contaminated. Studies have identified that the current City of Waco landfill has had water seepage out of the existing landfill and been reported to the TCEQ with violations. What will be done by the City to preserve the water of our area when it doesn't protect the water within its own boundaries?
2. The land affected by the proposed landfill is beautiful with many trees and small rolling hills. A 100 foot tall landfill will certainly impact the current state of the environment.
3. Our home is due north of the proposed site. Certainly smell is a huge concern for us with our frequent strong, south winds.
4. What will be done to control and contain the trash that will blow out of the trucks on their way to the proposed landfill and the trash that will be released into the community surrounding the landfill?
5. So, the City was able to get the Texas Department of Transportation to build an overpass to address the hazardous traffic junction of Highway 31 and T K Parkway. However, the overpass is only one part of the concern; the other part of the concern is 700 vehicles a day congesting the roadways.
6. Feral hogs are a nuisance in the area. With a landfill embedded within this space, what controls will be placed to control the hog population that will be attracted to the odors from the landfill?

7. What controls will be placed to manage noise from the landfill? The area impacted by the proposed landfill is quiet and large trucks and other heavy equipment will obviously be disruptive and loud.
8. We were insulted by the City of Waco having a straw buyer to confidentially purchase the property in the first place. To add another insult to injury, the City intends to have operating hours of the proposed landfill that *are significantly longer than the existing landfill!!!* These extended hours will result in the landfill operating before sunrise and after sunset. I guess since they have to transport their trash so far away the City has to have longer hours to get the necessary trips to the landfill to dump their trash in our area.

The proposed landfill must have the same hours of operation as the current landfill of the City of Waco. For weekdays, the hours of accepting trash must be 8 am to 4:40 pm using 6:00 am to get the landfill ready to accept trash and then using the time from 4:30 to 6:30 pm to wrap up the landfill for night. On Saturdays, we proposed the hours of operations being 8 to 11:30 am with the prep of the landfill at 6 am and then closing the landfill from 11:30 am to 1:30 pm.

Please consider our concerns and force the City to reconsider other locations within their boundaries for the management of their refuse.

Sincerely,



Cynthia Dunlap
Joe Dunlap

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Tuesday, November 23, 2021 3:58 PM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400
Attachments: Dunlap Public Comment letter Permit #240010.pdf

MSW
112581

RFR

From: cdunlap12@outlook.com <cdunlap12@outlook.com>
Sent: Tuesday, November 23, 2021 3:33 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: DR. Cynthia Dunlap

E-MAIL: cdunlap12@outlook.com

COMPANY:

ADDRESS: 211 STATE HIGHWAY 31
MOUNT CALM TX 76673-3163

PHONE: 2547448472

FAX:

COMMENTS: Please see the attached file

November 23, 2021

Cynthia and Joe Dunlap
211 State Highway 31
Mount Calm, Texas 76673
Cyndy's cell: 254-744-8472 and Joe's cell: 254-855-2849

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Proposed Permit No. 2400

To Whom It May Concern:

I, along with my husband, Joe, are staunchly opposed to the proposed City of Waco Landfill at 4730 T K Parkway In Axtell, Texas. Our property borders the purchased property slated for this landfill and our home is within 1 mile of the proposed site. In 1941, our grandparents settled on this property to farm and raise cattle. Subsequently, our parents purchased adjacent land to the original property to build a home and raise a family. My husband and I purchased adjacent property which now borders the proposed landfill site. In addition, 2.5 miles of the border to the landfill proposed site is owned by the Dunlap family including our mother, Joyce Dunlap; our brother and sister-in-law, Steven and Angie Dunlap; and, our niece and her husband, Kristen and Josh Boyd. We chose to live a quiet country life compared to the city with homes just a few feet away from each other.

We object to the clandestine manner in which the City of Waco purchased the property. The City Council and City of Waco Staff went through the secretive process of contracting for purchase of the initial 502 acres, initial testing of the land, and the development of a landfill permit for approximately 7 months without any transparency to the affected populations. In fact, the purchase of the property was accomplished through a straw buyer to hide the true purchaser of the property. Seven (7) days after the Council's vote to acquire the land, the City was able to immediately file a 300-page document for application to permit the landfill. Demonstrating continued insensitivity to the communities affected, the landfill permit showed two entrance roads to the landfill site with each road entering the site from 2 sides of the TK Cemetery. As an additional affront to the citizens of McLennan, Limestone and Hill Counties, one of the two disposal sites barely met the requirement of being 125 feet from the TK Parkway Road. These actions exhibit a lack of concern for these counties and their populations.

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To demonstrate how far the City will go to get rid of its own trash, it purchased property 20 miles outside the City and now their trash trucks will have to travel 20 - 35 minutes to reach the proposed landfill. There appears to be no concern as to costs since the City decided to buy property so far away from City headquarters, increase travel time of the trucks, use more gasoline to pollute our air, and increase congestion on our roads. They are literally taking their trash from 20 miles away and dumping it in our front yard. In addition, the proposed site is intended to be a "regional" landfill and trash will be coming to our front door from several surrounding counties.

In addition to these costs, the City of Waco, as a means to get the proposed landfill approved, has collaborated with the Texas Department of Transportation to use Texas taxpayers' money, including mine, to build an overpass at the site of the junction of Highway 31 and T K Parkway. It has continued to buy more adjacent property to silence its opposition and minimize the voices to object to the proposed landfill site. No cost is too great in order to get the trash out of their city.

We have significant concerns about the effects of the proposed landfill site:

1. A large lake sits adjacent to the purchased property and many streams flow through the property. A rather obvious concern is the potential for the water to be contaminated. Studies have identified that the current City of Waco landfill has had water seepage out of the existing landfill and been reported to the TCEQ with violations. What will be done by the City to preserve the water of our area when it doesn't protect the water within its own boundaries?
2. The land affected by the proposed landfill is beautiful with many trees and small rolling hills. A 100 foot tall landfill will certainly impact the current state of the environment.
3. Our home is due north of the proposed site. Certainly smell is a huge concern for us with our frequent strong, south winds.
4. What will be done to control and contain the trash that will blow out of the trucks on their way to the proposed landfill and the trash that will be released into the community surrounding the landfill?
5. So, the City was able to get the Texas Department of Transportation to build an overpass to address the hazardous traffic junction of Highway 31 and T K Parkway. However, the overpass is only one part of the concern; the other part of the concern is 700 vehicles a day congesting the roadways.
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7. What controls will be placed to manage noise from the landfill? The area impacted by the proposed landfill is quiet and large trucks and other heavy equipment will obviously be disruptive and loud.
8. We were insulted by the City of Waco having a straw buyer to confidentially purchase the property in the first place. To add another insult to injury, the City intends to have operating hours of the proposed landfill that *are significantly longer than the existing landfill!!!* These extended hours will result in the landfill operating before sunrise and after sunset. I guess since they have to transport their trash so far away the City has to have longer hours to get the necessary trips to the landfill to dump their trash in our area.

The proposed landfill must have the same hours of operation as the current landfill of the City of Waco. For weekdays, the hours of accepting trash must be 8 am to 4:40 pm using 6:00 am to get the landfill ready to accept trash and then using the time from 4:30 to 6:30 pm to wrap up the landfill for night. On Saturdays, we proposed the hours of operations being 8 to 11:30 am with the prep of the landfill at 6 am and then closing the landfill from 11:30 am to 1:30 pm.

Please consider our concerns and force the City to reconsider other locations within their boundaries for the management of their refuse.

Sincerely,



Cynthia Dunlap
Joe Dunlap

①

TCEQ Public Meeting Form
August 15, 2019

The City of Waco
Municipal Solid Waste Permit
Proposed Permit No. 2400

PLEASE PRINT

Name: Cynthia Dunlap

Mailing Address: 211 State Hwy 31

Physical Address (if different): same

City/State: Mount Calm TX Zip: 76673

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

Email: cdunlap12@outlook.com

Phone Number: 254-744-8472

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

If yes, which one? _____

Please add me to the mailing list.

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

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

(Written comments may be submitted at any time during the meeting)
Please give this form to the person at the information table. Thank you.

mw

14

TCEQ Public Meeting Form August 15, 2019

The City of Waco Municipal Solid Waste Permit Proposed Permit No. 2400

PLEASE PRINT

Name: JOE DUNLAP

Mailing Address: 211 STATE HWY 31 MT. CALM TX 76673

Physical Address (if different): _____

City/State: MT. CALM TX Zip: 76673

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

Email: JDUNLAP@AATX.COM

Phone Number: 254 855 2849

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

Please add me to the mailing list.

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

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

(Written comments may be submitted at any time during the meeting)
Please give this form to the person at the information table. Thank you.

44

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, September 5, 2018 2:56 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

From: jdunlap@aatx.com <jdunlap@aatx.com>
Sent: Wednesday, September 5, 2018 12:31 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME: CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Joe Wilburn Dunlap

E-MAIL: jdunlap@aatx.com

COMPANY:

ADDRESS: 211 STATE HIGHWAY 31
MOUNT CALM TX 76673-3163

PHONE: 2548552849

FAX:

COMMENTS: To Whom It May Concern: My name is Joe Dunlap and my wife Cyndy and I live on Hwy 31 approximately 3/4 of a mile from the proposed T.K. Parkway/Waco landfill site. We own property that borders approximately 1/2 mile of the northern boundary of the proposed site. The City of Waco has now purchased an additional 770 acres to the east of the first site, and my Mother, Joyce Dunlap, owns land that borders approximately two miles of the northern boundaries of both sites. The vast majority of land in these two sites is NOT in McLennan County, the City of Waco's home county. Roughly 1,000 acres is in Limestone County, 600 acres in Hill County, and the rest, a small portion, is in

McLennan County. To add insult to injury, the City of Waco is planning to take part of our land via eminent domain in order to expand T.K. Parkway (county road 939) in order to accommodate the over 250 vehicles per day that the city estimates will visit the site initially. The City of Waco estimates that over 400 vehicles per day will bring trash to the site before the useful life of the landfill expires. We are obviously extremely opposed to this aggression by the City of Waco, as are the neighboring counties of Limestone and Hill. Our land, and my Mother's land, has been in our family since the 1940's and it is just tragic that we would now have over 2 and 1/2 miles of boundary bordered by a dump ground. The obvious impact to traffic safety, land marketability and value, and overall quality of life is not only obvious but devastating. I urge you to consider these facts, and the fact that there are other very reasonable options for the City of Waco to pursue, in making your decision on this permit. Sincerely Joe Dunlap

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 9:46 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: ke0461543@STUDENTS.MCLENNAN.EDU <ke0461543@STUDENTS.MCLENNAN.EDU>
Sent: Thursday, September 27, 2018 8:31 AM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: MISS Kaylee Engledow

E-MAIL: ke0461543@STUDENTS.MCLENNAN.EDU

COMPANY:

ADDRESS: 9151 COUNTY LINE RD S
MOUNT CALM TX 76673-3245

PHONE: 2544952143

FAX:

COMMENTS: I am requesting a public hearing on this landfill request from the City of Waco. There are numerous safety issues regarding roadways and traffic, fire dangers that our small volunteer fire department is ill-equipped to handle (and nearest fire station is located too far to be effective in fighting all of the hazards that a landfill can create). This property borders all three sides of the cemetery in which my grandmother is buried and no one should have to visit their loved ones with the sounds and smells of a landfill that is located within a stones throw away from their graves. The are safety issues concerning the contamination of our soil, groundwater and aquifers as there are three creeks located on

this property as well as a huge soil conservation lake. There is abundant wildlife located on this property, which includes many endangered or protected animals. We have absolutely no representation within the city of Waco and that is precisely why they chose our small community to place their massive landfill. They purchased this land in secret and have tried their best to the application fast tracked by TCEQ. The City of Waco already has land that they can put their landfill on, but they are trying to appease a small affluent group of Waco citizens who oppose their new landfill being near their homes even though they purchased their homes KNOWING there was a landfill near them. We are a small farm and ranch community and this landfill would devastate us. Our home and land values will plummet. The majority of this land is not even within the City of Waco's own county, which is McLennan county. Limestone County is where most of this land located. The City of Waco kept their landfill plans secret from even Limestone County. When Limestone County learned of the City of Waco plans to put a landfill they immediately opposed it and let the City of Waco know. The City of Waco did not care and continued their quest to purchase millions and millions of dollars of land outside of their county in order to put an even larger landfill than what they originally submitted to TCEQ. They are now hoping to add a third county that will be impacted by their massive landfill; however, the third county, Hill, opposed it as well. I do not believe the City of Waco has been forthright with the information they submitted in their landfill application to TCEQ. Yes, their application may be administratively complete; however, I hope TCEQ really delves into the technical aspect of their application because I believe TCEQ will have the same concerns that the residents of Axtell, Mount Calm, Billington, Limestone County and Hill County have with this landfill. There is a reason the City of Waco is pushing TCEQ to fast track this application. My hope is that TCEQ will put the brakes on it and see exactly what we are seeing and that is this land is not suitable for a landfill for many, many reasons.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 6, 2018 2:13 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

From: ke0461543@STUDENTS.MCLENNAN.EDU <ke0461543@STUDENTS.MCLENNAN.EDU>
Sent: Thursday, September 6, 2018 10:20 AM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: MISS Kaylee Engledow

E-MAIL: ke0461543@STUDENTS.MCLENNAN.EDU

COMPANY: Pierce & Pierce Builders, Inc.

ADDRESS: 9151 COUNTY LINE RD S
MOUNT CALM TX 76673-3245

PHONE: 2544952143

FAX:

COMMENTS: **REVISED** I am writing in opposition to the City of Waco's plan to put a new landfill on TK Parkway in McLennan County, Texas. My first issue is with the way in which the COW handled this process. Everything was done in secret and they did not allow the residents who live near the site ample time to protest this proposed landfill site. The COW secretly purchased this land via trust. The sellers had no idea it was the COW of purchasing the land or their intended purpose for this land. The Texas courts have already ruled in a similar case, Pintail Landfill- Hempstead, TX, that the governing body (the county officials), violated the Open Meetings Act, the Public Information Act, and record

MW

retention requirements for meeting in secret and failing to timely and adequately inform the public of their intentions. It is obvious that the COW held meetings, etc. and made up their minds prior to voting to approve this massive land purchase for the purposes of creating a massive landfill. I have requested a copy of all of the documents pertaining to the purchase of this land from the COW. They have given me some documents; however, they are hiding behind "attorney client privilege". I asked them to get the opinion of the Texas Attorney general regarding this as I believe they just don't want the public to be aware of exactly who was involved in this transaction and when this was first discussed as a possible site for their landfill. I believe it is worth noting that the Mayor of Waco, Kyle Deaver, is an attorney, is a board member of American Bank, and owns American Guaranty Title in Waco. I bet if you followed the paper trail you would see his name (and his companies' name) all over this deal, which would seem to me to be a huge conflict of interest. The COW purchased this 1,200 acres well above market value and have acknowledged construction of a landfill on this property would cost \$5,000,000+ in infrastructure and would add at least \$3,000,000 in annual operating costs. Tell me why a city would commit to such a huge investment when they already have a suitable site within their own city limits that would not cost the city near as much money in infrastructure or annual operating costs? The answer is someone is profiting off of this deal and it is not the City of Waco residents nor the residents of Axtell and Mount Calm. The COW states that their current landfill will be at maximum capacity in 5 or so years. Well, then maybe they should stop accepting trash from 11 different counties. It is not our fault that the city has chosen to fill their current landfill up with 11 other different counties' trash. They have obviously chosen profit over the waste management needs of the residents of Waco. They created the problem and they can solve the problem within their city limits. I also take issue with the fact that this land is out of the city of Waco and only 3% of the property is located INSIDE of their county, which means 97% is located outside of their county. The 2 other counties have voiced their opposition to this new proposed landfill site, but the COW refuses to change their plans. This proposed landfill site touches three different cemeteries- of which one my mom is buried in...no one should have to visit their loved ones grave or attend a funeral with a landfill right next door...with the smells, and noise of the landfill in the background...and, no, COW purchasing 700+ acres as a "buffer" or "green space" is not a satisfactory solution. This land also has several creeks that run through it and includes a soil conservation lake. This land has been prone to flood the neighboring properties. There is no way the COW can adequately keep these waters from being contaminated. The COW already has multiple violations identified by TCEQ, but yet we are supposed to trust them to manage this huge proposed landfill better than they manage their current landfill, which is within their own city limits?? Our community does not receive 1 single service from the COW...NOT 1 SINGLE SERVICE, but the COW thinks they can turn 1,200 acres of our community into a landfill or "buffer zone". That just isn't right. Our community is serviced by a volunteer fire department. We do not have adequate resources to handle fires, etc. that occur at a landfill. The closest COW of fire department is located too far away from our community to be effective in handling the issues that can arise at a landfill. Safety is another concern as this proposed site is located at one of the most dangerous intersections in McLennan County. Several people have lost their lives at this intersection. By putting 400+ garbage trucks on our roads daily the COW has just amplified this danger tenfold. The COW already has a suitable site, which is within their city limits, but has decided to dump on our small town because a small, affluent percentage of their citizens have voiced opposition to using this land. The citizens of Axtell have no voice within the COW, and we have no representation in the COW, which is precisely the reason the COW chose our area. There also is abundant wildlife in the area, which would be negatively impacted should TCEQ decide to approve this permit. Several endangered species have been identified as inhabiting this land. We have wild hogs that would wreak havoc on this site. The COW just recently purchased another 700+ acres, which they say will be a "buffer" to the landfill. That is not sufficient. We are a farming and ranching community. This proposed landfill will ruin our way of life. I beg you to not approve the City of Waco's request for a permit to build a new landfill on TK Parkway in McLennan, Hill, and Limestone counties. Thank you!

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Friday, June 3, 2022 3:54 PM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400
Attachments: 2022-06-03 Porter Comments and Hearing Request.pdf

MSW
112581

H

From: afriedman@msmtx.com <afriedman@msmtx.com>
Sent: Friday, June 3, 2022 2:08 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTITY NAME: CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Adam Friedman

EMAIL: afriedman@msmtx.com

COMPANY: McElroy, Sullivan, Miller & Weber, L.L.P.

ADDRESS: 4330 GAINES RANCH LOOP Suite 200
AUSTIN TX 78735-6733

PHONE: 5123278111

FAX: 5123502651

COMMENTS: Comments and Request for Hearing Regarding the Application of the City of Waco for Municipal Solid Waste Permit No. 2400.



MCELROY,
SULLIVAN,
MILLER &
WEBER, LLP

4330 Gaines Ranch Loop, Suite 200, Austin, TX 78735 | www.msmtx.com

MAILING ADDRESS: P.O. Box 12127, Austin, TX 78711 | T. 512.327.8111 F. 512.350-2681

June 3, 2022

VIA ELECTRONIC COMMENT:

Laurie Gharis, MC-105
Office of the Chief Clerk, Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
<https://www14.tceq.texas.gov/epic/eComment/>

Re: Comments and Request for Hearing Regarding the Application of the City of Waco for Municipal Solid Waste Permit No. 2400

Dear Ms. Gharis:

I represent Darren and Melissa Porter (the "Porters") regarding the City of Waco's (the "City") pending application (the "Application") for Municipal Solid Waste Permit No. 2400 (the "Permit"), to authorize disposal of solid waste at the City of Waco Landfill (the "Landfill") in McLennan and Limestone Counties. By this letter, the Porters submit comments to the Application and request a contested case hearing. The Porters can be reached by calling my office at 512-327-8111, and their address is 1500 LCR 102, Mount Calm, Texas 76673.

I. The Porters are affected persons entitled to a contested case hearing.

An affected person is "one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest." 30 TEX. ADMIN. CODE §55.256(a). The Landfill will have a clear impact on the Porter's legal rights, duties, power, and economic interests. The Porters own property (the "Porter Property") adjacent to the City's property and the Porter Property is located less than a half mile (approximately 2,250 feet) from one of the City's proposed cells for waste disposal. The Porters live on the Porter Property and use the Porter Property for a commercial cattle operation, hunting and other recreational activities.

The Landfill will depress the value of the Porter Property, create nuisances and pollution that will decrease the economic and recreational use of the Porter Property, threaten ground and surface waters that the Porters rely on, and negatively impact the health of the Porters and their property. Each of these impacts qualify the Porters as affected persons with standing for a contested case hearing.

II. The Application does not satisfy TCEQ's location characteristics requirements.

TCEQ regulations prohibit solid waste disposal operations to be located within a 100-year floodplain and only permit municipal solid waste storage in a 100-year floodplain in limited circumstances. 30 TEX. ADMIN. CODE §330.57. On the Application, the City represents that “a portion of the Site is located in the 100-year floodplain...the waste disposal footprint is located entirely outside the limits of the 100-year floodplain.”¹ The City acknowledges that the floodplain limits within the facility have been designated by FEMA as “Zone A.”²

FEMA defines Zone A locations as “areas subject to inundation by the 1-percent-annual flood event generally determined using approximate methodologies. Because detailed analyses have not performed, no Base Flood Elevations (BFEs) or flood depths are shown.”³ The FEMA Map, therefore, is only an approximation of the 100-year floodplains for the relevant waters. Further investigation is needed to see if the actual floodplain limits contradict the City's representation on the Application and violates TCEQ requirements regarding facility siting and solid waste disposal operations in floodplains. Locating facilities within the 100-year floodplain pose a significant threat to the Porter Property and could result in pollution and contamination.

Similarly, the Porters believe that further investigation is needed to determine the Landfill's potential impact on wetlands to ensure compliance with TCEQ requirements for location characteristics. 30 TEX. ADMIN. CODE §330.553.

III. The Application does not adequately protect groundwater.

The Application also demonstrates the City has failed to adequately consider and protect groundwater. The Application fails to identify any wells at the Landfill site and the area surrounding the site. However, old wells are located in the area, including one on the Porter Property, and a review is necessary to ensure no contamination of groundwater that the Porters rely upon occurs.

IV. The proposed Landfill is not a compatible land use with the surrounding area.

TCEQ regulations instruct that, for municipal solid waste facilities, “a primary concern is that the use of any land for a municipal solid waste facility not adversely impact human health or the environment.” 30 TEX. ADMIN. CODE §330.61(h). Further, TCEQ may deny a municipal solid waste permit for issues pertaining to land use. TEX. HEALTH & SAFETY CODE §362.089(a).

Building and operating the Landfill in the proposed site will inalterably change the nature and usage of the surrounding land, including the Porter Property. Odors, harmful air emissions, and contamination of water will deny the Porters the ability to enjoy and use their land. The TCEQ should deny the Application on the basis of incompatible land use.

¹ City of Waco, Parts I & II Permit Application, 3-1.

² City of Waco, Parts I & II Permit Application, 11-1.

³ <https://www.fema.gov/glossary/zone>

V. The proposed Landfill will cause nuisance conditions.

The Application is not clear that the City will be able to successfully manage nuisances, such as odors and harmful air emissions from the proposed Landfill. The proximity of the Porter Property to the Landfill means any failure to control and abate nuisances resulting from odors and air emissions will negatively impact the Porter Property.

VI. Relevant and material disputed Issues of Fact for Contested Case Hearing

The Porters respectfully request the following issues be referred to SOAH for a contested hearing:

1. Whether the proposed Landfill is within a 100-year floodplain. 30 TEX. ADMIN. CODE §330.57.
2. Whether the proposed Landfill is located on or will have a negative impact on wetlands. 30 TEX. ADMIN. CODE §330.53.
3. Whether the proposed Landfill is a compatible land use with the surrounding area.
4. Whether the proposed Landfill meets the requirement to abate and control nuisances. 30 TEX. ADMIN. CODE §330.15(a).
5. Whether the proposed Landfill adequately protects groundwater from contamination. 30 Tex. Admin. Code §330.61.
6. Whether the proposed Landfill has a sufficient odor management plan. 30 TEX. ADMIN. CODE §330.149.

VII. Conclusion

Based on the foregoing, the Porters respectfully request they be found as affected persons entitled to a contested case hearing on the identified issues to ensure their property is protected.

Thank you,

/s/ Adam Friedman

Adam M. Friedman

MC ELROY, SULLIVAN, MILLER & WEBER

4330 Gaines Ranch Loop, Suite 200

Austin, Texas 78735

afriedman@msmtx.com

ATTORNEY FOR THE PORTERS

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Thursday, November 18, 2021 8:34 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400
Attachments: 2021-11-17 Porter Comments and Hearing Request2.pdf

H

From: sabella@msmtx.com <sabella@msmtx.com>
Sent: Wednesday, November 17, 2021 4:47 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Sebastian Abella

E-MAIL: sabella@msmtx.com

COMPANY: McElroy, Sullivan, Miller, Weber LLP

ADDRESS: 4330 GAINES RANCH LOOP STE 200
AUSTIN TX 78735-6735

PHONE: 5123278111

FAX:

COMMENTS: Please find the attached pdf for the Comments and Hearing Request Letter. Thank you.



MCELROY,
SULLIVAN,
MILLER &
WEBER, LLP

4330 Gaines Ranch Loop, Suite 200, Austin, TX 78735 | www.msmtx.com

MAILING ADDRESS: P.O. Box 12127, Austin, TX 78711 | T. 512.327.8111 F. 512.327.6566

November 17th, 2021

VIA ELECTRONIC COMMENT:

Laurie Gharis, MC-105
Office of the Chief Clerk, Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
<https://www14.tceq.texas.gov/epic/eComment/>

Re: Comments and Request for Hearing Regarding the Application of the City of Waco for Municipal Solid Waste Permit No. 2400

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¹ City of Waco, Parts I & II Permit Application, 3-1.

² City of Waco, Parts I & II Permit Application, 11-1.

³ <https://www.fema.gov/glossary/zone>

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3. Whether the proposed Landfill is a compatible land use with the surrounding area.
4. Whether the proposed Landfill meets the requirement to abate and control nuisances. 30 TEX. ADMIN. CODE §330.15(a).
5. Whether the proposed Landfill adequately protects groundwater from contamination. 30 Tex. Admin. Code §330.61.
6. Whether the proposed Landfill has a sufficient odor management plan. 30 TEX. ADMIN. CODE §330.149.

VII. Conclusion

Based on the foregoing, the Porters respectfully request they be found as affected persons entitled to a contested case hearing on the identified issues to ensure their property is protected.

Thank you,

/s/ Adam Friedman

Adam M. Friedman

McELROY, SULLIVAN, MILLER & WEBER

4330 Gaines Loop, Suite 200

Austin, Texas 78735

afriedman@msmtx.com

ATTORNEY FOR THE PORTERS

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, September 26, 2018 1:45 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

H

From: Niseypoo2@yahoo.com <Niseypoo2@yahoo.com>
Sent: Tuesday, September 25, 2018 3:54 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Denise Graham

E-MAIL: Niseypoo2@yahoo.com

COMPANY:

ADDRESS: 718 N SEELEY AVE W
MOUNT CALM TX 76673-3085

PHONE: 2547442196

FAX:

COMMENTS: I would like to have a public hearing on the City of Waco landfill request permit #2400. I have many concerns about where this landfill you s being proposed to be placed.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, September 26, 2018 1:59 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

H

From: birch.angie@yahoo.com <birch.angie@yahoo.com>
Sent: Tuesday, September 25, 2018 5:47 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Angela Green

E-MAIL: birch.angie@yahoo.com

COMPANY:

ADDRESS: 462 BEAVER LN
WACO TX 76705-4901

PHONE: 2542189850

FAX:

COMMENTS: I would like to request a contested case hearing on this permit. I am against this landfill for many reasons
1. The traffic flow at that location is already terrible and the traffic accidents already are horrible 2. The environment for my life, family and my grandchildren we choose to live in a rural area away from all the huddle from the city life and the air quality that this landfill will have us hazardous to our health 3. Property that right next to a cemetery where loved ones go and visit their deceased families how disrespectful this is 4. The wildlife on this property please consider all of this before you allow this permit I can go and on to how the landfill can't go in our quite rural community

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Wednesday, June 8, 2022 8:50 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: Jasmin_tx@hotmail.com <Jasmin_tx@hotmail.com>
Sent: Tuesday, June 7, 2022 2:51 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTITY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Jasmin Guillen

EMAIL: Jasmin_tx@hotmail.com

COMPANY:

ADDRESS: 2715 TORINO REALE AVE
TEMPLE TX 76502-7995

PHONE: 2108570158

FAX:

COMMENTS: I request a contested case hearing. My family and I used all of our savings to buy a property off of TK pkwy. It's 217 acres and about mile from the proposed landfill. We started clearing some of the land and we are making plans to build our forever home on this property this year. We are extremely concerned about the air and water contaminants this facility can produce and the ways it will affect my kids and animals. We are also concerned about all the traffic this will bring to TK pkwy with all of the large trucks going in and out of the landfill. My kids will soon go to school and will

more than likely ride the school bus which is also a concern considering the amount of large trucks that will be around that area. Please add me to the mailing list.

MSW
112581

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Tuesday, June 7, 2022 1:44 PM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: Jasmin_tx@hotmail.com <Jasmin_tx@hotmail.com>
Sent: Tuesday, June 7, 2022 1:41 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTITY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Jasmin Guillen

EMAIL: Jasmin_tx@hotmail.com

COMPANY:

ADDRESS: 2715 TORINO REALE AVE
TEMPLE TX 76502-7995

PHONE: 2108570158

FAX:

COMMENTS: I request a contested case hearing. My family and I used all of our savings to buy a property off of TK pkwy. It's 217 acres and about mile from the proposed landfill. We started clearing some of the land and we are making plans to build our forever home on this property this year. We are extremely concerned about the air and water contaminants this facility can produce and the ways it will affect my kids and animals. We are also concerned about all the traffic this will bring to TK pkwy with all of the large trucks going in and out of the landfill. My kids will soon go to school and will

more than likely ride the school bus which is also a concern considering the amount of large trucks that will be around that area. Please add me to the mailing list.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 10:25 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: lynmlj19@yahoo.com <lynmlj19@yahoo.com>
Sent: Thursday, September 27, 2018 10:24 AM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: MRS Mary Harris

E-MAIL: lynmlj19@yahoo.com

COMPANY:

ADDRESS: 882 LCR 116
MOUNT CALM TX 76673-3546

PHONE: 2547090603

FAX:

COMMENTS: I request a contested case hearing. I bought my property just because it was in the Axtell School district and because it was in the country. I'm roughly 5 miles (by mostly backroads) from the proposed landfill site. I live in Limestone county - where most of this proposed site will be located. The traffic, the smell, the noise, the pollution of our water and air are some of the reasons I would like to contest this. There are so many beautiful trees that filter our county air on that land! We raise crop and cattle out there for processing. Some of those cattle go straight to HEB packing. This directly affects everyone that eats meat from HEB. Our crops and cattle should not have to drink from

contaminated water or eat the hay (that we grow) that was contaminated with trash. These farms and ranches are how a lot of us make our living. Waco is in McLennan county, but they are trying to dump their trash on us on the country side of Limestone county because they have more money and they don't want the trash in their backyard. I moved to the country 10+ years ago for the peace, quiet, county living, fresh air, home grown food, and safety for my children. Please don't let another county take that away from us. Thank you, Mary Harris 882 LCR 116 Mount Calm, TX 76673 2547090603 Requesting a contested case hearing for permit #2400 Waco Landfill on the corner of FM939 and HWY31

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, September 26, 2018 11:38 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

H

From: Phillipkharris@yahoo.com <Phillipkharris@yahoo.com>
Sent: Tuesday, September 25, 2018 3:03 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Phillip Kirk Harris

E-MAIL: Phillipkharris@yahoo.com

COMPANY:

ADDRESS: 363 HOMER YOUNG LN
AXTELL TX 76624-1306

PHONE: 2544054999

FAX:

COMMENTS: I oppose the City of Waco landfill . A landfill will ruin my property and it's value . This is a killer for our community. This is beautiful country and I purchased my property so I could live in peace , quiet and safety of country living . I'm requesting a public hearing on this awful proposal / permit . This landfill will be extremely dangerous for our citizens both young and old . We in this area drink water from wells and this will probably pollute our wells . This proposed property and site for the Waco landfill could be better used as a lake to furnish drinking water to our citizens instead pollution from the actual landfill to all of the truck traffic . There won't be anymore peaceful nights and days in

the country with the steady drone and noise of earth moving equipment through all hours of the day and night . This is a disaster in the making . It's as if through the dark of night with slight of hand this horrible thing has happened and dropped on the citizens of Axtell and neighboring communities.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, September 26, 2018 2:25 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-ELD; PUBCOMMENT-OPIC; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

H

From: Vhaynes98@yahoo.com <Vhaynes98@yahoo.com>
Sent: Tuesday, September 25, 2018 6:06 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Vickie Haynes

E-MAIL: Vhaynes98@yahoo.com

COMPANY:

ADDRESS: 6969 HIGHWAY 84 W
COOLIDGE TX 76635-3115

PHONE: 2547267882

FAX:

COMMENTS: I am against the city of Waco getting this permit. They have gone about securing this in a very deceitful way and the citizens of Limestone county do not want a landfill in our county. I request a public hearing with TCEQ on this matter.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 10:32 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: Stacyannlee2000@yahoo.com <Stacyannlee2000@yahoo.com>
Sent: Wednesday, September 26, 2018 3:22 AM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Stacy Howard

E-MAIL: Stacyannlee2000@yahoo.com

COMPANY:

ADDRESS: PO BOX 186
AXTELL TX 76624-0186

PHONE: 2546400535

FAX:

COMMENTS: Please schedule a public hearing on the permit request #2400 for the proposed landfill to be located on TK Parkway.

mm

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, June 10, 2022 8:57 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400
Attachments: 2022.06.09 Hearing Request w Attachment1.pdf

H

From: gwyneth@txenvirolaw.com <gwyneth@txenvirolaw.com>
Sent: Thursday, June 9, 2022 4:56 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Marisa Perales

EMAIL: gwyneth@txenvirolaw.com

COMPANY: Perales, Allmon & Ice, P.C.

**ADDRESS: 1206 SAN ANTONIO ST
AUSTIN TX 78701-1834**

PHONE: 5124696000

FAX: 5124829346

COMMENTS: Please see the attached hearing request regarding the Application by the City of Waco for new Type I Municipal Solid Waste (MSW) Landfill, Proposed Permit No. 2400

PERALES, ALLMON & ICE, P.C.
ATTORNEYS AT LAW

1206 San Antonio Street
Austin, Texas 78701
(512) 469-6000 • (512) 482-9346 (facsimile)
info@txenvirolaw.com

Of Counsel:
David Frederick
Richard Lowerre
Brad Rockwell

June 9, 2022

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC 105
P.O. Box 13087
Austin, Texas 78701-3087

Via TCEQ Online Comment Form

RE: Hearing Request regarding Application by the City of Waco for new Type I Municipal Solid Waste (MSW) Landfill, Proposed Permit No. 2400.

Dear Ms. Gharis:

Save Axtell Families and the Environment (“SAFE”) and member of SAFE, Mr. James Trayler, request a contested case hearing regarding the Application by the City of Waco for new Type I Municipal Solid Waste (MSW) Landfill, Proposed Permit No. 2400. This hearing request is also being submitted on behalf of the McLennan and Hill Counties Tehuacana Creek Water Control and Improvement District #1 (TCWCID#1).¹

The Response to Comments issued by the Executive Director does not resolve the issues previously raised by SAFE, James Trayler, and TCWCID#1 (jointly, “Requestors”). Requestors may be contacted through my office at the address and telephone number indicated above.

I. Save Axtell Families and the Environment (“SAFE”) is an “affected person.”

SAFE is a 501(c)(4) non-profit organization whose goal is to protect the public health, quality of life, and the environment in Limestone, Hill, and McLennan counties. Members of SAFE include landowners adjacent to the site of the proposed landfill on TK Parkway and others who will be adversely affected by the proposed landfill project. To

¹ TCWCID#1 already submitted a hearing request, dated June 6, 2022. This letter should be considered as a supplement to the hearing request dated June 6, 2022.

achieve its goals, SAFE has conducted community education and advocacy in and around the Axtell community in response to the proposed City of Waco Landfill. SAFE's position is consistent with residents in the area of the proposed landfill site.

II. James Trayler is an "Affected Person."

One member of SAFE, Mr. James Trayler, owns 375 acres of land adjacent to the southeast boundary of the site of the proposed landfill. His is Property No. 5 on the adjacent landowners' map submitted in the application. Mr. Trayler's property includes a lake that he uses for kayaking and fishing. The floodplain on his property is connected to the floodplain on the site of the proposed landfill, and his property and his lake will be adversely affected by the proposed facility. Other members of SAFE will also be adversely affected by the landfill due to the impacts on endangered and threatened species, odors from landfill operations, noise and light, surface and groundwater, drainage patterns and floodplains, roads and traffic safety, and fire and emergency response.

III. TCWCID#1 is an "Affected Person."

As explained in their public comments regarding the pending application, TCWCID#1 is a special utility district, with an easement on the 503-acre tract that is the site of the proposed landfill. TCWCID#1 will be adversely impacted by the proposed landfill, in that the landfill will inhibit its access to its easement, and its ability to effectively carry out its purposes, which include flood control and protection of water quality.

IV. SAFE, James Trayler, and TCWCID#1 request a contested case hearing.

The Response to Comments issued by the Executive Director does not resolve the issues previously raised by Requestors in prior comments and hearing requests. Requestors maintain their request for a hearing on all issues raised in their prior comments and hearing requests, including, without limitation:

- (1) Whether the Applicant has demonstrated that the facility is a compatible land use;²
- (2) Whether issuance of the draft permit is consistent with applicable local ordinances;³
- (3) Whether the Applicant has provided an adequate floodplain delineation, and adequately addressed potential impacts of the proposed facility on flooding;⁴
- (4) Whether the Applicant has provided an adequate surface water drainage report;⁵
- (5) Whether the Applicant has demonstrated that the proposed facility is protective of surface water;⁶
- (6) Whether the Applicant has the requisite property interests to operate a landfill at the proposed site, and whether it has the requisite legal authority to limit access to the TCWCID easement;⁷
- (7) Whether the proposed landfill will cause adverse impacts on the downstream reservoir, Site 19;⁸
- (8) Whether the Applicant has demonstrated that the landfill is protective of groundwater;⁹
- (9) Whether the Applicant has demonstrated that the facility includes an adequate groundwater monitoring system;¹⁰
- (10) Whether the Applicant has performed an adequate subsurface investigation and characterization;

² James Trayler October 11, 2018 Hearing Request at p. 2; SAFE Nov. 29, 2021 Comments at pp. 4-5.

³ James Trayler October 11, 2018 Hearing Request at p. 5; SAFE Nov. 29, 2021 Comments at pp. 2-3.

⁴ James Trayler October 11, 2018 Hearing Request at p. 3 – 4; SAFE Nov. 29, 2021 Comments at pp. 6-8.

⁵ James Trayler October 11, 2018 Hearing Request at p. 3; SAFE Nov. 29, 2021 Comments at pp. 5-6; TCWCID#1 comments dated August 5, 2019 & September 27, 2019.

⁶ James Trayler October 11, 2018 Hearing Request at p. 4; SAFE Nov. 29, 2021 Comments at pp. 5-6; TCWCID#1 Comments dated August 5, 2019 & September 27, 2019.

⁷ TCWCID#1 Comments dated August 5, 2019 & September 27, 2019, January 5, 2022, & Hearing Request dated June 6, 2022.

⁸ TCWCID#1 Comments dated August 5, 2019 & September 27, 2019, January 5, 2022, & Hearing Request dated June 6, 2022.

⁹ James Trayler October 11, 2018 Hearing Request at p. 2; SAFE Nov. 29, 2021 Comments at pp. 5-6; TCWCID#1 Comments dated August 5, 2019 & September 27, 2019, January 5, 2022, & Hearing Request dated June 6, 2022.

¹⁰ James Trayler October 11, 2018 Hearing Request at p. 2; SAFE Nov. 29, 2021 Comments at pp. 5-6.

- (11) Whether the Applicant accurately characterized the groundwater at the site, including the uppermost aquifer, and the seasonal high water level;¹¹
- (12) Whether the Applicant has demonstrated the availability of sufficient and adequate soils for construction of the liner, cover materials, etc.;¹²
- (13) Whether the Application includes a sufficient landfill gas management plan;¹³
- (14) Whether the proposed facility will create unacceptable odor and nuisance conditions;¹⁴
- (15) Whether the roads used to access the facility are adequate and available;¹⁵
- (16) Whether the Applicant has demonstrated that the design and operation of the facility includes sufficient measures for erosion control and prevention;¹⁶
- (17) Whether the design and operation of the landfill liner meet all applicable requirements;¹⁷
- (18) Whether the geotechnical design of the landfill is adequate, including adequate long-term slope stability;¹⁸
- (19) Whether the design and operation of the landfill would adversely affect the environment, including wildlife;¹⁹
- (20) Whether the design and operation of the landfill would adversely affect wetlands;²⁰
- (21) Whether the Applicant has adequately addressed endangered and threatened species, as required by TCEQ rules;²¹
- (22) Whether the Applicant has proposed an adequate Site Operating Plan;²²

¹¹ SAFE Nov. 29, 2021 Comments at pp. 5-6

¹² SAFE Nov. 29, 2021 Comments at p. 6.

¹³ James Trayler October 11, 2018 Hearing Request at p. 2.

¹⁴ SAFE Nov. 29, 2021 Comments at pp. 2-3.

¹⁵ James Trayler October 11, 2018 Hearing Request at p. 1; SAFE Nov. 29, 2021 Comments at pp. 3-4.

¹⁶ James Trayler October 11, 2018 Hearing Request at p. 3.

¹⁷ James Trayler October 11, 2018 Hearing Request at p. 2; SAFE Nov. 29, 2021 Comments at p. 10.

¹⁸ SAFE Nov. 29, 2021 Comments at p. 10.

¹⁹ James Trayler October 11, 2018 Hearing Request at p. 2.

²⁰ SAFE Nov. 29, 2021 Comments at p. 8.

²¹ SAFE Nov. 29, 2021 Comments at pp. 8 -9.

²² SAFE Nov. 29, 2021 Comments at pp. 9 – 10.

(23) Whether the Applicant has demonstrated evidence of competency, as required by TCEQ rules.²³

In addition to the issues described above, the public input process has been inadequate, and has denied the impacted public meaningful opportunities to express their concerns regarding the application. Two public meetings were convened regarding this application or portions of this application. The first public meeting was convened after the City had submitted only Parts I and II of the permit application. The City, however, elected to forego the bifurcated application process and later submitted a full permit application.

Before the application was declared technically complete, and before the draft permit was issued, TCEQ convened a public meeting regarding the application, as it was still undergoing technical review and as it was still being revised by the City. In fact, the City revised its application several more times, after the second public meeting was held, in September 2021. This public meeting was convened virtually, and the process inhibited, rather than facilitated, meaningful public participation. The area of the proposed landfill is not in Waco; it is in a small, rural community, where internet access is not always reliable. And many residents expressed frustration regarding their ability to access and meaningfully participate in the public meeting.

Consequently, State Representative Kacal requested another public meeting—to be held after the Executive Director completed his review of the permit application. But the Executive Director denied this request.

Later, after the Executive Director completed his technical review of the application, the City *amended* its application, providing new information to the Executive Director after the draft permit had been issued and the application had been declared technically complete. Nevertheless, the Executive Director did not undertake the normal application amendment process. *See* 30 Tex. Admin. Code § 281.23. No new notice was provided; no additional opportunity to submit public comments was provided.

²³ James Trayler October 11, 2018 Hearing Request at pp. 7 - 8.

Representative Kacal again requested another public meeting, in light of this application amendment, but that request was once again denied.

This is a departure from the manner in which TCEQ has processed other permit application. See, for instance, the attached excerpt from the Executive Director's Response to Public Comments regarding the Application by Rancho Viejo Waste Management, LLC for a new municipal solid waste landfill permit, which describes the various public meetings and opportunities afforded the public to submit comments, particularly after Rancho Viejo's application was amended.

For this reason, the hearing requestors submit that another issue that should be referred to SOAH is whether the proper procedure was followed when the Executive Director conducted his review of the application, including the City's application amendment after the application was declared technically complete, and whether the Executive Director arbitrarily limited the opportunities for meaningful public input regarding this permit application.

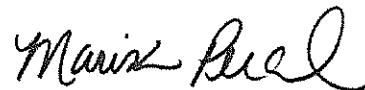
V. Conclusion

For the above reasons, Requestors respectfully request a contested case hearing with regard to the issues raised in this hearing request and previous comments submitted by Requestors.

Respectfully submitted,



Lauren Ice



Marisa Perales

PERALES, ALLMON & ICE, P.C.

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Austin, Texas 78701

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*Attorneys for SAFE, James Trayler,
& TCWCID#1*

SOAH DOCKET NO. 582-18-3319
TCEQ DOCKET NO. 2013-1506-MSW
TCEQ PERMIT NO. 2374

APPLICATION BY RANCHO VIEJO	§	BEFORE THE
WASTE MANAGEMENT, LLC	§	TEXAS COMMISSION ON
FOR MSW PERMIT NO. 2374	§	ENVIRONMENTAL QUALITY

Executive Director's Response to Public Comment

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) received on the application by Rancho Viejo Waste Management, LLC (Applicant), for a new Municipal Solid Waste (MSW) facility, Permit Number 2374, and on the Executive Director's preliminary decision. As required by Title 30, Texas Administrative Code (TAC), Section 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk received timely written comments, as well as oral comments at the public meetings, held on February 28, 2013, August 11, 2016, and May 1, 2018. This Response includes a list of all written and oral commenters in **Attachment A**.

The Commission received many written comments, including three form comments, raising concerns regarding the floodplain, health impacts, and emergency response for the proposed facility. This Response refers to these form comments as Group 1 (floodplain), Group 2 (health impacts), and Group 3 (emergency response). The relevant responses to these comments can be found in Response 7 (Floodplains), Response 21 (Health and Environmental Concerns), and Response 45 (Site Operating Plan).

This response addresses all timely public comments received, whether or not withdrawn. If you would like to receive a hard copy of this RTC, please contact the Office of the Chief Clerk (OCC), at 512-239-3300. If you need more information about this permit application or the municipal solid waste permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.texas.gov.

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I. Background

A. Description of Facility

Rancho Viejo Waste Management, LLC has applied to the TCEQ for a new MSW permit to construct and operate the Pescadito Environmental Resource Center, which would include a new Type I MSW landfill, a Type V Grease and Grit Trap waste processing facility, and a recycling facility. The facility is proposed to be located approximately five miles southeast of U.S. Highway 59 at Ranchitos Las Lomas, Laredo, Webb County, Texas. The total permitted area would include 952.89 acres of land, of which approximately 72.33 acres would be used for waste disposal. The final elevation of the landfill final cover material would be 705 feet above mean sea level (MSL). The site would be authorized to accept municipal solid waste resulting from, or incidental to, municipal, community, commercial, institutional, and recreational activities. This would include garbage, putrescible wastes, rubbish, ashes, brush, street cleanings, dead animals, abandoned automobiles, construction-demolition waste, and yard waste. The facility would also be authorized to accept industrial waste, including Class 1, Class 2, Class 3 non-hazardous industrial solid waste, and special wastes in accordance with 30 TAC § 330.171. Non-hazardous liquid from municipal and industrial sources will be solidified prior to disposal. Waste would be accepted at an anticipated initial rate of approximately 2,740 tons per day and may increase to a maximum of 10,000 tons per day. The acceptance of Class 1 non-hazardous industrial solid waste would be limited to no more than 20% of the total amount of waste (not including Class 1 wastes) accepted during the current or previous year. The Type V Grease and Grit Trap waste processing facility will have a permitted maximum daily acceptance rate of 50,000 gallons.

B. Procedural Background

Parts I and II of the Application were received by the TCEQ on April 15, 2011, and declared administratively complete on June 1, 2011. The Notice of Receipt of Application and Intent to Obtain a Permit (NORI) was published in the *Laredo Morning Times* on June 29, 2011, and in Spanish in *El Mañana* on June 29, 2011. The Executive Director completed the technical review of Parts I and II of the Application on July 2, 2012, and prepared a draft compatibility determination order. The Notice of Public Meeting was published in the *Laredo Morning Times* on February 9, 2013, February 14,

2013, and February 21, 2013. A public meeting was held on February 28, 2013, at Texas A&M International University Student Center, located at 5201 University Drive, Laredo, Texas 78041. The Notice of Application and Preliminary Decision (NAPD) was published in the *Laredo Morning Times* on March 30, 2013, and in Spanish in *El Mañana* on February 25, 2013. The comment period ended on April 29, 2013. The Executive Director issued a response to public comment on Parts I and II of the Application on June 28, 2013. On October 8, 2013, the Commission granted the hearing requests filed by ANB Cattle Company, Ltd., Lilia G. Cavazos-Keller, Rosemary Jordan Contreras, John A. Meitzen, Hurd Enterprises Ltd., James Volz, Mary L. Wied, and Robert F. Wied, and referred James Robert Jordan for an affectedness determination at SOAH. On April 2, 2014, SOAH remanded the Application back to the Executive Director of TCEQ to process an application amendment. The Applicant submitted a minor amendment application on June 17, 2014, to remove property from the proposed permit boundary.

On March 9, 2015, the Applicant submitted a major amendment to add Parts III and IV to the permit Application. As a result of the major amendment, the TCEQ consolidated the review and processing of Parts I through IV of the Application and issued a NORI on May 7, 2015 and a NAPD on March 22, 2016. The Executive Director held a second public meeting on August 11, 2016, in Laredo, Texas. Notice of the second public meeting was published in the *Laredo Morning Times* on July 10, 2016, July 17, 2016, and July 24, 2016, and in Spanish in *El Mañana* on July 10, 2016, July 17, 2016, and July 24, 2016.

The Application was subsequently amended on August 18, 2017 to reduce the waste footprint from 660 acres to 72.33 acres. A NAPD was published in the *Laredo Morning Times* on February 11, 2018 and in Spanish in *El Mañana* on February 14, 2018. The Executive Director held a third public meeting on May 1, 2018, in Laredo, Texas. Notice of the third public meeting was published in the *Laredo Morning Times* on April 13, 2018, April 20, 2018, and April 27, 2018, and in Spanish in *El Mañana* on April 13, 2018, April 20, 2018, and April 27, 2018. The comment period for this Application was extended an additional 30 days after the end of the third public meeting and closed on May 31, 2018.

On February 16, 2018, the Applicant filed a request for a direct referral of the Application to the State Office of Administrative Hearings (SOAH). Therefore, the

Office of the Chief Clerk referred this application directly to SOAH for a hearing on whether the application complies with all applicable statutory and regulatory requirements. A notice of hearing was published in the *Laredo Morning Times* on June 2, 2018, and in Spanish in *El Mañana* on June 7, 2018, notifying the public that SOAH would conduct a preliminary hearing on July 18, 2018. SOAH held a preliminary hearing on July 18, 2018 in Laredo, Texas, and the following people were named as parties: Hurd Enterprises, Ltd. and Hurd Ranch Company, Ltd; ANB Cattle Company, Ltd; Stop Pescadito Industrial Landfill League, Inc. (SPILL); Webb County; Rosemary Jordan Contreras, Anna Jordan Dodier, James Robert Jordan, Richard Jerome Jordan, and Sharyn Jordan (The Jordan Group); JEV Family, Ltd; and JOB Homestead Partners, Ltd.

This 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.

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.texas.gov/tac/ (select "View the current Texas Administrative Code" on the right, then "Title 30 Environmental Quality");
- for Texas statutes: www.statutes.legis.state.tx.us;
- to access the TCEQ website: www.tceq.texas.gov (to download rules in Adobe PDF format, select "Rules and Rulemaking" on the left side of the page, then "Download TCEQ Rules");
- for Federal rules in Title 40 of the Code of Federal Regulations (CFR): www.epa.gov/lawsregs/regulations/ (to view rules, select "Where can I see the text of the actual regulations?"); and
- for Federal environmental laws: www.epa.gov/lawsregs/index.html (to view rules, select "Where can I see the text of the actual regulations?").

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 16 Office in Laredo at 707 E. Calton Road, Suite 304, Laredo, Texas 78041-388. The technically complete Application is also available for review and copying at the Laredo Public Library, 1120 East Calton Road, Laredo, Webb County, Texas 78041. A courtesy copy of the application is also available online at <https://pescaditoerc.com/>.

II. Comments and Responses

The comments have been grouped under the following topics for response.

A. SITING

- Access Roads
- Traffic
- Easements
- Airport Safety
- Land Use Compatibility and Growth Trends
- Potential Historical Significance
- Floodplains
- Wetlands
- County Ordinance
- Abandoned Oil and Water Well Certification

B. GEOLOGY AND HYDROGEOLOGY

- Site Geology and Hydrogeologic Setting
- Impact on Groundwater
- Groundwater Monitoring
- Groundwater Sampling and Analysis Plan
- Groundwater Quality

C. OPERATIONS

- Odor Control
- Dust Control
- Vectors
- Endangered and Threatened Species
- Vegetation, Wildlife, Domestic Animals, Birds, and Scavengers
- Health and Environmental Concerns
- Surface Water Drainage, Storm Water Run-On and Run-Off

Water Pollution and Contaminated Water
Air Quality and Pollution
Liner and Leachate Collection System
Buffer Zones
Oil & Gas Waste, Class 1 Industrial Non-Hazardous Waste, and Hazardous
Waste
Out-of-State and Foreign Wastes
Waste Acceptance Plan
Coal Combustion Residuals
Size, Shape, and Height
Daily Cover
Nuisances from Grease and Grit Trap Waste
Competency
General Prohibitions
Noise
Windblown Trash, Roadside Trash, and Debris
Financial Assurance and Feasibility
Life of the Facility and Term of Permit
Landfill Gas Management Plan
Waste Management Unit Design
Access Control
Site Development Plan
Facility Design
Site Operating Plan
Closure and Post-Closure

D. NOTICE AND PUBLIC PARTICIPATION

Notice
Elected Officials
Time and Opportunity for Public Participation
Public Meeting
Contested Case Hearing

E. PROPERTY RIGHTS

Mineral Rights

Property Ownership

F. OTHER

Inadequate maps

Dated Maps and Figures with Non-Current Information

General Location Maps

Facility Layout Maps

Economic Impact and Property Values

Quality of Life

Tax Increase for Road Improvement

Demand for Proposed Landfill

Application Review

Regional Waste Management Plans

Potential Permit Transfer

Landfill Classification

Recycling Technology

RCRA

Environmental Justice

Future Expansion

Application Processing Time

Injection Well

Engineering Seal

Spills

G. OPPOSITION

General Opposition

County Opposition

H. SUPPORT

Support of the Application

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Tuesday, November 30, 2021 9:08 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400
Attachments: 2021.11.29 SAFE Comments on City of Waco Proposed Permit 2400.pdf

H

From: christa@txenvirolaw.com <christa@txenvirolaw.com>
Sent: Monday, November 29, 2021 4:55 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Lauren Ice

E-MAIL: christa@txenvirolaw.com

COMPANY: Perales, Allmon & Ice, P.C.

ADDRESS: 1206 SAN ANTONIO ST
AUSTIN TX 78701-1834

PHONE: 5124696000

FAX: 5124829346

COMMENTS: Please see the attached comments.

PERALES, ALLMON & ICE, P.C.
ATTORNEYS AT LAW

1206 San Antonio Street
Austin, Texas 78701
(512) 469-6000 • (512) 482-9346 (facsimile)
info@txenvirolaw.com

Of Counsel:
David Frederick
Richard Lowerre
Brad Rockwell

November 29, 2021

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC 105
P.O. Box 13087
Austin, Texas 78701-3087

Via TCEQ Online Comment Form

RE: Comment and Hearing Request regarding Application by the City of Waco for a new Type I Municipal Solid Waste (MSW) Landfill Proposed Permit No. 2400.

Dear Ms. Gharis:

I. Introduction and Interests of SAFE

This firm represents Save Axtell Families and the Environment (“SAFE”). SAFE is a non-profit organization whose membership includes members who possess justiciable interests that will be impacted by the proposed landfill in a manner not shared by the general public, including landowners adjacent to and within one mile of the site of the proposed City of Waco landfill referenced above. This letter serves as the comments and request for a contested case hearing, on behalf of SAFE, with regard to the application of the City of Waco (“Waco” or “Applicant”) for a new Type I Municipal Solid Waste Landfill Proposed Permit No. 2400 (the “Application”). These comments supplement the written and oral comments previously submitted by my firm and by members of SAFE.

SAFE is a non-profit organization whose goal is to protect the public health, quality of life, and the environment in Limestone, Hill, and McLennan counties. Members of SAFE include landowners adjacent to the site of the proposed landfill on TK Parkway and others who will be adversely affected by the proposed landfill project. To achieve its goals, SAFE has conducted community education and advocacy in and around

the Axtell community in response to the proposed City of Waco Landfill. SAFE's position is consistent with residents in the area of the proposed landfill site. For the reasons identified below, Waco's application should be denied. SAFE requests a contested case hearing with regard to the Application if the Executive Director does not decide to deny the Application.

II. The application was not properly submitted and processed in accordance with TCEQ rules and governing statutes.

The City of Waco Landfill is a proposed Type I Municipal Solid Waste Management Facility to be located on a 502-acre property in McLennan and Limestone Counties, at 4730 TK Parkway, near U.S. Highway 31 and Axtell, Texas.

The Applicant first submitted its Application as a land-use only application, submitting Parts I and II only on August 7, 2018 (received August 8, 2018), with revisions to Parts I and II submitted on January 8, 2019 and March 7, 2019. In its August 7, 2018 Application, the Applicant acknowledged that the application, consisting of only Parts I and II, were being submitted "in support of a separate determination regarding land use compatibility, as provided for in Health & Safety Code, Section 361.069 and 30 TAC §330.57(a)." The NORI was issued on September 14, 2018.

After receiving one Administrative NOD and two Technical NODs (dated November 19, 2018 and February 14, 2019), in May 2020, the Applicant abandoned the bifurcated process seeking a separate determination regarding land use compatibility, and submitted Parts III and IV (received by TCEQ on May 29, 2020). The Applicant received an Administrative NOD on June 12, 2020, and the NORI was issued on June 30, 2020. The Applicant then received three technical NODs (dated August 19, 2020; November 9, 2020; and January 21, 2021), all of which, identified deficiencies in Part II of the Application, which indicates that no land use compatibility determination was reached before the Applicant abandoned the bifurcated process. Accordingly, the Applicant should have been required to re-start the application process when it submitted its new application.

Had Waco followed the permit application process prescribed by TCEQ rules, it would have had to acknowledge that a landfill siting ordinance exists—and has existed since the date of the submission of its landfill permit application. And that ordinance prohibits the siting of Waco’s proposed landfill at the site proposed in the application. Waco cannot avoid the applicability and effect of the ordinance by disingenuously claiming to pursue a bifurcated process, beginning with a land use compatibility determination, only to abandon that process and submit a new landfill permit application. Once Waco chose to abandon the bifurcated process and submit a new landfill permit application, the TCEQ application process should have restarted, and any landfill siting ordinance that existed before the landfill permit application was submitted to TCEQ must be acknowledged and identified in the landfill permit application. This Waco failed to do.

This failure to acknowledge and identify the existing county siting ordinance not only renders the application incomplete and inaccurate, but it also renders the land use compatibility analysis deficient.

Waco’s deliberate efforts to bypass the usual, established regulatory procedures for processing a landfill permit application have resulted in numerous NOD letters and informal requests for additional information by TCEQ staff, and countless revisions and supplements to the application materials by Waco—over a period of more than 3 years. Allowing a landfill permit applicant, such as Waco, to submit its application in a piecemeal fashion, and allowing the applicant unlimited and untimely revisions to its application, over such a lengthy period of time, is not only contrary to the intent of TCEQ’s rules, but it is also unfair to the public.

III. The Applicant has not adequately addressed traffic and transportation concerns.

The Applicant has failed to show that nearby roadways are adequate to accommodate the traffic associated with the facility. The traffic created by the Proposed Facility is not compatible with the surrounding land use of the area, and as such, will adversely impact human health and the environment.

The proposed City of Waco Landfill would be located on TK Parkway (FM 939), near the intersection of SH 31. TK Parkway is a two-lane asphalt road. As the Application acknowledges, the 2016 Waco District Traffic Map indicates TK Parkway traffic counts near the proposed entrance were 607 vehicles per day. The proposed Landfill would generate 884 vehicle trips per day on TK Parkway, and 1,358 trips per day over the life of the landfill. Not only would the traffic count increase by 141 to 223 percent, but the vehicles would include heavy collection and transfer trucks, as well as other commercial traffic.

This TK Parkway/SH 31 intersection is already dangerous and the site of numerous traffic accidents, including fatal accidents in recent years. TK Parkway and the road network in the immediate vicinity of the landfill are also traveled by Axtell ISD school buses. Though the Applicant proposes improvements to this intersection and to TK Parkway near the Landfill entrance, including turning lanes and eight-foot shoulders, the Applicant has not demonstrated that these improvements alone would protect the safety of drivers and school children

IV. Land Use Compatibility

The TCEQ has the discretion to make its own land-use compatibility determination. Tex. Health & Safety Code § 361.069; 30 Tex. Admin. Code § 330.61(h). Indeed, a land use compatibility evaluation is required under TCEQ's rules. 30 Tex. Admin. Code § 330.61(h). This land use-compatibility determination allows for consideration of a broad array of issues related to the public interest. 30 Tex. Admin. Code § 330.61(h).

The basic analysis that was submitted in the application reveals that the proposed facility is not compatible with surrounding land uses, including residential, agricultural, and other rural land uses. Odors and nuisance conditions will interfere with normal use and enjoyment of the surrounding properties and homes. The proposed height of the landfill is incompatible with the surrounding area.

The number and routing of trucks is incompatible with current conditions in the area, particularly with school bus routes. This is a concern that has been expressed by the local school district.

Further, the land use compatibility analysis included in the application materials acknowledges that there are approximately 184 acres of water bodies within one mile of the permit boundary, including two SCS reservoirs. Elsewhere in the application materials, floodplains are identified within the permit boundary. Yet, the land use compatibility analysis fails to evaluate or analyze the impacts of siting a landfill in close proximity to so many water bodies, and it fails to analyze the compatibility of siting and designing a landfill such that it is bisected by a floodplain, and is accessible via an access road that crosses a floodplain and creek. The land use compatibility analysis simply fails to analyze the compatibility of the proposed landfill with these surrounding land uses and land characteristics—characteristics that impact the public health and welfare.

Given the large number of comments regarding the Application, Limestone County's landfill siting ordinance, and the almost universal local opposition to the proposed facility, it is incumbent on the ED and the Commission to conduct a thorough land use compatibility evaluation, including all factors related to the public interest. A thorough evaluation of land use compatibility concerns would reveal that the proposed facility is not compatible with surrounding land uses, in part because of the inadequate roads and floodplains in the area, and the potential of this Landfill to adversely impact neighboring property owners whose property is downstream or accessible only by the same inadequate roads that the Landfill trucks will traverse.

V. Subsurface Issues

The subsurface investigation and characterization performed by Waco is deficient, and as a result Waco has not accurately characterized the subsurface at the site. Furthermore, Waco has not accurately characterized the potential presence of groundwater at the site, nor the hydrology of groundwater at the site. As a result, the facility will pose a danger to groundwater that Waco has not adequately addressed.

Waco did not drill an adequate number of borings for a site of this size, particularly considering the unusual design of the proposed landfill. Relatedly, the borings are not at suitable locations and depths for the evaluation of the geology and groundwater, given the conditions at this site and the importance of the groundwater monitoring system to protect groundwater under the site. For instance, while Waco drilled a number of borings on the site, only about 5 were drilled in the western waste disposal footprint.

Further, Waco has failed to define the uppermost aquifer underlying the proposed site and has not adequately demonstrated how it will prevent groundwater contamination. Waco also failed to reliably identify the seasonal high water level, as required by TCEQ rules.

In addition, the application does not contain comprehensive and accurate information regarding fractures and groundwater levels and movement underneath the site. Nor does it adequately describe the vertical and horizontal flow characteristics of the groundwater or of the leachate that will likely leak from the landfill. The characterization of soils is inadequate and inaccurate. The geologic report including the stratigraphic column are inadequate and unreliable. And the application does not properly evaluate the availability of water and soils at the site for construction of liners, cover materials, etc.

VI. Floodplains & Surface Water Drainage

The proposed landfill presents a highly unusual design: it is bisected by a floodplain into two separate footprints. The floodplain delineation, reflected in the figures in the City's application, is based on a FEMA FIRM map that designates the floodplain as "Zone A," meaning that a full hydraulic and hydrologic analysis has not been undertaken to confirm the limits of the floodplain. The floodplain boundary is likely based on historical data, but not a true H and H analysis.

While the City has now included in its application modeling for a 100-year water surface, the City has not submitted a CLOMR (Conditional Letter of Map Revision) or a LOMR (Letter of Map Revision) to FEMA, requesting a revision of the mapped 100-year floodplain.

In any event, TCEQ Rule 330.63(c)(2)(B) requires certain specific information if a “site” is located within a 100-year floodplain, including cross-sections or elevations of landfill levees shown tied into contours. Waco has not supplied the required information even though its “site” is located within a 100-year floodplain. Nor has Waco explained, in sufficient detail, how it will avoid any “solid waste disposal operations” in areas located in 100-year floodplains. *See* 30 Tex. Admin. Code § 330.547.

The impacts of the proposed project include impacts to a floodwater retention lake. The lake is a USDA site. McLennan County, the NRCS, and a Texas Special Utility District, the McLennan and Hill Counties Tehuacana Creek Water Improvement District (TCWID), are co-sponsors of the site. The TCWID, NRCS, and McLennan County, have had no voice or role in the location, application process, or monitoring issues of the proposed landfill, as noted by the TCWID Manager, Dr. Larry Lehr, in comments submitted to TCEQ. Dr. Lehr explained that the “City of Waco application introduces issues related to third party activity impacting infrastructure funded by taxes from a special utility district; a federal floodwater retention facility potentially impacted from third party infrastructure; water quality; and habitat for bald eagles.” Dr. Lehr further pointed out: “There are also hydrological considerations that have not been mentioned or resolved, including a baseline water quality assessment, ongoing water quality evaluation, remediation plans in the event of contamination, the impact on storage, and the responsible parties in the event of overtopping related to reduction of the lake volume from additional deposition, and the potential need for infrastructure improvement that is funded by tax payers who do not benefit from the landfill.”

As reflected by Dr. Lehr’s comments, the landfill project is likely to impact floodwater retention and water quality. Yet, there has been no coordination with the entities that are responsible for the floodwater retention facility. And the City has provided scant data to suggest that it has conducted a thorough evaluation of the impacts to the floodwater retention facility including dam safety, the floodplains, the streams, or the easement on the proposed landfill site.

Considering the extent of floodplains on the site, it is also worth re-evaluating whether the proposed project will impact wetlands onsite. A thorough evaluation of existing wetlands on the site of the proposed project is necessary to determine whether Waco has accurately evaluated impacts to wetlands.

Construction and operation of the proposed facility has the potential to significantly impact drainage patterns in the area, as well. Waco has not made an adequate demonstration that construction and operation of the proposed facility will not significantly and adversely alter natural drainage patterns in the area, particularly at the boundaries of the proposed facility; nor has Waco demonstrated that surface water quality will be protected.

In addition, the designs for the channels and ponds are not adequate. Drainage controls have not been designed to assure historic levels of runoff and to protect surrounding properties. The changes to the drainage patterns will result in damage to property off-site including increased erosion and could impact the nearby reservoirs and floodplains.

There are also inadequate controls to prevent contamination of storm water by wastes, leachate, or spills of materials at the landfill.

VII. Endangered & Threatened Species

In addition, based on the information included in the City's application to TCEQ, the City has failed to conduct a meaningful and thorough assessment of impacts to endangered and threatened species. According to the report included in the application, the City's consultant conducted only one site reconnaissance, and that was in December 2017. December is not the appropriate time to search for sitings of the Texas Horned Lizard or the Indigo Snake. Moreover, area residents report that the Bald Eagle is known to have habitat in the area of the proposed landfill site. Yet, the City has conducted no real evaluation of potential impacts to this habitat, as a result of its proposed landfill.

In addition, the endangered and threatened species "management plan" included in the application is deficient, consisting of little useful information. This is not a real plan.

It does not address the expected impacts to the habitat of endangered and threatened species known to be present in the area of the proposed landfill site.

VIII. The Applicant cannot show a need for the Landfill and is bypassing local authority.

The proposed City of Waco Landfill is proposed predominantly in neighboring Limestone County, in a location approximately 19 miles from the City of Waco itself. Despite this location, and despite the City having identified potential sites on City-owned land adjacent to its existing landfill, the City did not consult with Limestone County officials prior to selecting this site.

On September 20, 2018, Limestone County approved a landfill siting ordinance that would prohibit the disposal of municipal solid waste in certain areas of Limestone County. With this ordinance, the County determined that a landfill would be inappropriate in this location. As previously discussed, the Applicant voluntarily abandoned the bifurcated process when it submitted Parts III and IV without first obtaining its land use compatibility determination. The Application should be required to begin its application again, at which the siting ordinance would prohibit a landfill at this proposed location.

Furthermore, both Limestone and Hill Counties each have a landfill that serves the local population and surrounding counties, and both of these landfills have more than 100 years of life remaining. Given the existing capacity in the region, the Applicant has not shown a need for the proposed Landfill.

IX. Access and windblown will not be adequately controlled with a perimeter fence.

The Applicant does not propose to completely encompass the Landfill site with a perimeter fence, because of the presence of Horse Creek and Reservoir 19. This limitation is one of the Applicant's own making, since the Applicant selection of the site as one with substantial water features and floodplains was improper. The Applicant's proposed Site Operating Plan regarding access control and collection of windblown waste is deficient because it does not adequately account for the large areas of surface water.

X. The SOP fails to prevent unacceptable odors, scavengers, or other nuisances.

The Applicant's SOP does not prevent or minimize odors, especially considering that the TCEQ has received numerous complaints regarding odors coming from the City of Waco current landfill. The SOP does not prevent or minimize windblown waste, nor does the SOP provide for adequate control of animal or human scavenging, or provide for adequate procedures to prevent and control of vectors in the vicinity of the site. Other aspects of the Applicant's SOP aimed at preventing nuisances and protecting public health are also inadequate.

XI. Inadequate liner design and inadequate structural components

The applicant has failed to provide for an adequate liner given the site selected and the geology underlying the site and the shallow groundwater that exists beneath the site. The underdrain system and ballast evaluation report are inadequate to address the risks and issues related to excavating into shallow groundwater.

In addition, a review of the landfill application materials reveals that the slope stability analysis is inadequate. The geotechnical evaluation for the design of the landfill is inadequate as the slopes and materials for the sidewalls will not assure long-term stability.

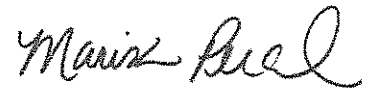
XII. Conclusion.

For the above reasons, SAFE respectfully request that the Application be denied. If not denied, SAFE requests a contested case hearing with regard to the issues raised in these comments and hearing request. We reserve the right to supplement these comments.

Respectfully submitted,



Lauren Ice



Marisa Perales

PERALES, ALLMON & ICE, P.C.

1206 San Antonio

Austin, Texas 78701

512-469-6000 (t)

512-482-9346 (f)

lauren@txenvirolaw.com

marisa@txenvirolaw.com

Attorneys for SAFE

TCEQ Public Meeting Form
August 15, 2019

The City of Waco
Municipal Solid Waste Permit
Proposed Permit No. 2400

PLEASE PRINT

Name: LAUREN ICE, FREDERICK PERALES, ALMON, + ROCKWELL
ON BEHALF OF SAFE

Mailing Address: 1206 SAN ANTONIO ST., AUSTIN, TX 78702

Physical Address (if different): _____

City/State: _____ Zip: _____

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

Email: lauren@lf-lawfirm.com

Phone Number: 512-469-6000

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

Please add me to the mailing list.

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

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

(Written comments may be submitted at any time during the meeting)
Please give this form to the person at the information table. Thank you.

MW

26

TCEQ Public Meeting Form
August 15, 2019

The City of Waco
Municipal Solid Waste Permit
Proposed Permit No. 2400

PLEASE PRINT

Name: Marisa Perales

Mailing Address: 1206 San Antonio St.

Physical Address (if different): _____

City/State: Austin, TX Zip: 78701

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

Email: marisa@lf-lawfirm.com

Phone Number: 512-469-6000

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

If yes, which one? Save Axtell Families and Environment (SAFE)

Please add me to the mailing list.

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

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

(Written comments may be submitted at any time during the meeting)
Please give this form to the person at the information table. Thank you.

mc

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Friday, September 28, 2018 8:30 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: suzerain@windstream.net <suzerain@windstream.net>
Sent: Friday, September 28, 2018 7:09 AM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME: CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Suzanne C Johnson

E-MAIL: suzerain@windstream.net

COMPANY:

ADDRESS: 202 N 2ND ST E
MOUNT CALM TX 76673-3094

PHONE: 2542303239

FAX:

COMMENTS: Please request a public hearing on this permit application. The permit and proposed plan for a landfill greatly concerns me. I take issue with the impact this landfill will have on the surrounding land, communities, and traffic. I travel Hwy 31 daily and have personally witnessed many crashes at the intersection of Hwy 31 and TK Pkwy. Its already a very dangerous intersection, but this proposed landfill and the traffic it will bring will increase the danger exponentially. The intersection is bounded by hills on either side. 400 slow moving trash trucks or other vehicles with trailers entering the intersection many many times a day will prove to be deadly. I'm also concerned with the distance

each of these trash trucks will have to travel to this remote landfill. If you've ever been behind a trailer or truck going to a landfill, you can see there are many opportunities for items to fly out or be inadvertently dumped along the way. The city of Waco will also need to establish a transfer station since the location is so far from Waco. TK Cemetery is within the area Waco has purchased, and I would like the plans for it discussed in a public hearing. How will Waco handle access to the cemetery or relocation of this historically marked cemetery? Can we discuss in a public hearing how McClennan county can propose to open a landfill in two other counties who don't get a say in the process? Shouldn't the counties and their constituents have a say in their own counties? Who is the voice that represents them on the Waco City Council? There are multiple farm fields and ranches bordering the proposed site and I fear the impact to them will be disastrous. There are three different creeks and a soil conservation lake all located on the property. How will ground water be protected? How will the TCEQ and the EPA protect this from happening? Who will suffer the consequences of it?

msw

112581

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Friday, September 28, 2018 10:36 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

H

From: cklanika@gmail.com <cklanika@gmail.com>
Sent: Thursday, September 27, 2018 4:06 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Charles Klanika

E-MAIL: cklanika@gmail.com

COMPANY:

ADDRESS: 176 HCR 3259
MOUNT CALM TX 76673-3174

PHONE: 2547491332

FAX:

COMMENTS: I would like to request a public hearing on the proposed landfill. This landfill will be on pastureland that is near a soil conservation lake. Pollution from this site has the potential to contaminate not only this lake, but several others. Also as stated before, this is pastureland. Removing this many acres from the agricultural production will have an impact on the economy in this area. Another point to consider is the narrow farm to market road leading to the area. The city of Waco is not considering the issues that make this site unsuitable. They are only concerned about the location. Thank you.

msw

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 9:52 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: kim_lucien@yahoo.com <kim_lucien@yahoo.com>
Sent: Wednesday, September 26, 2018 10:09 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: MRS Kimberly Lucien

E-MAIL: kim_lucien@yahoo.com

COMPANY:

ADDRESS: PO BOX 221
LEROY TX 76654-0221

PHONE: 2547440636

FAX:

COMMENTS: I request a contested hearing regarding the permit for a landfill near the community of Axtell. First, the farms and ranches in the area have been in families for generations. Next, the quality of the soil, air, and water would be damaged beyond repair. By destroying the land, air quality, and water, the habitats for a number of wildlife species in the area would also be destroyed. Endangered animals also inhabit the area. Not only is the proposed area for a landfill quality, fertile ground, it is also our home. This is not a place for Waco to dump their trash. Please have a contested hearing to prevent destruction of our way of life.

MLW

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, September 26, 2018 10:31 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-ELD; PUBCOMMENT-OPIC; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

H

From: Kst82@aol.com <Kst82@aol.com>
Sent: Tuesday, September 25, 2018 10:42 AM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: MRS Katy Lynch

E-MAIL: Kst82@aol.com

COMPANY:

ADDRESS: 1789 LCR 120
MOUNT CALM TX 76673-3002

PHONE: 2548553253

FAX:

COMMENTS: I am concerned about ge placement of this landfill and would like to have a public hearing. There are many factors that should be discussed before permitting is allowed.

msw
112581

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, September 26, 2018 8:59 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

H

From: maryg.mann@gmail.com <maryg.mann@gmail.com>
Sent: Tuesday, September 25, 2018 9:15 AM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: MRS Mary Mann

E-MAIL: maryg.mann@gmail.com

COMPANY:

ADDRESS: 518 RED GATE RD
MART TX 76664-5142

PHONE: 2548762832

FAX:

COMMENTS: I respectfully request a public hearing on this proposed landfill. The reasons for this particular site as stated by the City of Waco are erroneous. The City of Waco has suitable land within its jurisdiction. The City of Waco does not need to spread its garbage in an area of Texas prairie land. Pristine Texas prairie is disappearing at a fast rate, our grandchildren deserve the ability to enjoy nature at its finest, not a rehabilitated manmade habitat. This landfill is NOT necessary and an invasion and destruction of Texas prairie land as God made it. We must have a public hearing to

msw

allow experts and those who love Texas to protect this invasion by a city government that has made no Significant moves to protect our environment and our heritage.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 10:33 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: Cmanning2004@yahoo.com <Cmanning2004@yahoo.com>
Sent: Tuesday, September 25, 2018 10:08 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Christi Manning

E-MAIL: Cmanning2004@yahoo.com

COMPANY:

ADDRESS: 1652 HURST RD
AXTELL TX 76624-1311

PHONE: 2544051852

FAX:

COMMENTS: I request a contested case hearing. I have great concerns regarding placement of the landfill at this location. I am most concerned about how the landfill will affect the drinking water. We already have water issues out here and I feel that the landfill will only make the situation worse. I think there are options that are better for the environment than another landfill. This is all about money for the city of Waco.

6725 Hwy 84 W
Coolidge, Texas 76635
July 30, 2020

REVIEWED

AUG 05 2020
By SAW ^{DM} _H

CHIEF CLERKS OFFICE

2020 AUG -3 AM 11:27

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P. O. Box 13087
Austin, Texas. 78711-3087

Sir or Madam:

Limestone county is where I grew up and still have family and property. To learn of Waco's apparent clandestine purchase of some 500-700 acres in Limestone county to construct a "new Type 1 Municipal Solid Waste (MSW) landfill" seems to be a red flag impacting our environment and the use of rural farmland.

Those of us most effected by this Proposed Permit No. 2400 are entitled not only to a public meeting but also a contested case hearing. TCEQ Commissioners are the only entity who can give residents the opportunity to defend themselves against big money.

Please consider the potential effects on the
Trinity Aquifer and other clean water sources
Air quality
Road surface and traffic demands for heavy equipment
Future contacts with metropolitan areas to take on THEIR trash!

Those of us who live on the land are caretakers. We are asking TCEQ to protect us from big city money and big city problems.

A public meeting and a contested case hearing are absolutely needed.
Give us this voice.

Sincerely,


Janet Burke McMillan



NO POSTAGE NEEDED IF MAILED IN THE UNITED STATES

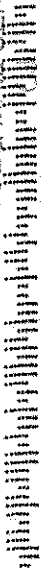
M
Janet McMillan
23 Jones View Dr.
Huntsville, TX 77320

Texas Commission on Environmental
Quality
Office of the Clerk, MC-105
P.O. Box 13087
Austin Texas 78711-3087

RECEIVED

AUG - 3 2020

TOEQU MAIL CENTER



78711-308787

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2020 AUG - 3 AM 11: 27
CHIEF CLERKS OFFICE

23 Jones View Dr.
Huntsville, Texas 77320
November 8, 2021

MSW
112581

Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P. O. Box 13087
Austin, Texas 78711-3087

REVIEWED

NOV 17 2021

By Gar

CHIEF CLERKS OFFICE

2021 NOV 15 PM 2:29

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: Proposed Permit No. 2400
Waco Municipal Solid Waste landfill

Sir or Madam:

Those of us most effected by this proposed permit are the least equipped to protect the environment and rural lands where we live and work. TCEQ Commissioners are the only entity who can protect us from big money.

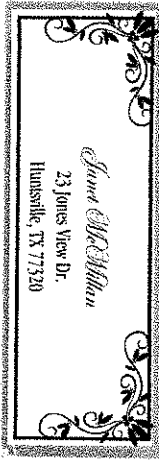
Please consider the potential effects on the
Trinity Aquifer and other clean water sources
Air quality
Road surface and traffic demands for heavy equipment
Waco's future contacts with metropolitan areas (like Dallas) to take on their trash
and put dollars into McLennan county at the expense of Limestone county

Those of us who live on the land are caretakers. It is a way of life. We are asking TCEQ to protect us from big city money/politicians and big city problems.

Be our voice.

Respectfully,


Janet McMillan



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
NORTH HOUSTON TX 773
10 NOV 2021 PM 1
2021 NOV 15 PM 2:29



RECEIVED

NOV 15 2021

TCEQ MAIL CENTER
CJ

CHIEF CLERK'S OFFICE

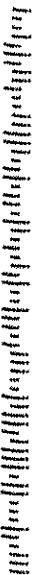
Seva Commission on Environmental

Quality of the Chief Clerk Mc105 Quality

P.O. Box 13087

Austin, Texas 78711-3087

78711-308787



Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 10:16 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

From: jabmcmillan77320@yahoo.com <jabmcmillan77320@yahoo.com>
Sent: Wednesday, September 26, 2018 4:30 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Janet Burke McMillan

E-MAIL: jabmcmillan77320@yahoo.com

COMPANY:

ADDRESS: 23 JONES VIEW DR
HUNTSVILLE TX 77320-1543

PHONE: 9366615350

FAX:

COMMENTS: I grew up and still have family and property in Limestone County. To learn of Waco's clandestine purchase of some 500 acres and then an additional 700 acres in Limestone county with the intention of creating a "super landfill" seems to be a red flag impacting the our environment. Because money talks, It appears country folks don't have much say in this destructive use of rural farmland. TCEQ is the only entity able to prevent this landfill placement. Please consider the potential effects on the Trinity Aquifer and other clean water sources used to supply small communities and individual farm families in the area. Air quality will certainly be an issue. Transporting waste in heavy equipment will

Handwritten signature

impact road surfaces and increase traffic demands. There is always the chance Waco could contract with big cities to our north to take on THEIR trash. . . again, to our detriment and we would be sitting ducks. Waco needs to find a way to take care of their own waste! Perhaps most significant is the effect on those of us who have chosen to leave the concrete jungles of big cities for a return to nature. We trade lucrative careers for a slower, less intense lifestyle to live and work on the land. We are caretakers. We are asking TCEQ to protect us from big city problems . . . do not allow their trash to contaminate our rural counties and our way of life. Be our voice!

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, September 26, 2018 1:14 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-ELD; PUBCOMMENT-OPIC; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

H

From: nickelcandace@yahoo.com <nickelcandace@yahoo.com>
Sent: Tuesday, September 25, 2018 3:11 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Candace Nickel

E-MAIL: nickelcandace@yahoo.com

COMPANY:

ADDRESS: PO BOX 435
AXTELL TX 76624-0435

PHONE: 2544959446

FAX:

COMMENTS: I want a hearing about how this landfill will affect the area

TCEQ Public Meeting Form
August 15, 2019

30

The City of Waco
Municipal Solid Waste Permit
Proposed Permit No. 2400

PLEASE PRINT

Name: Candace Wickel^N

Mailing Address: P.O. Box 435

Physical Address (if different): 488 Wood St

City/State: Axtell Zip: 76624

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

Email: nickelcandace@yahoo.com

Phone Number: _____

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

If yes, which one? _____

Please add me to the mailing list.

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

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

(Written comments may be submitted at any time during the meeting)
Please give this form to the person at the information table. Thank you.

420

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, October 1, 2018 3:19 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

H

From: Kindercat13@gmail.com <Kindercat13@gmail.com>
Sent: Sunday, September 30, 2018 2:59 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Cathryne Nivin

E-MAIL: Kindercat13@gmail.com

COMPANY:

ADDRESS: 964 LCR 120
MOUNT CALM TX 76673-3592

PHONE: 2547237742

FAX:

COMMENTS: I request a public hearing regarding the proposed landfill.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 10:32 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: etnivin@yahoo.com <etnivin@yahoo.com>
Sent: Wednesday, September 26, 2018 1:07 AM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: MR Ernest Taylor Nivin

E-MAIL: etnivin@yahoo.com

COMPANY:

ADDRESS: 964 LCR 120
MOUNT CALM TX 76673-3592

PHONE: 2547237751

FAX:

COMMENTS: I feel that a public hearing should be held to give all impacted parties or potentially impacted parties the ability to bring forth information pertaining to this potential permit. All voices should be allowed to be heard.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 9:45 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: piercepiercebuildersinc@yahoo.com <piercepiercebuildersinc@yahoo.com>
Sent: Thursday, September 27, 2018 8:32 AM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: MR Ricky Pierce

E-MAIL: piercepiercebuildersinc@yahoo.com

COMPANY: Pierce & Pierce Builders, Inc.

ADDRESS: 9151 COUNTY LINE RD S
MOUNT CALM TX 76673-3245

PHONE: 2544050073

FAX:

COMMENTS: I am requesting a public hearing on this landfill request from the City of Waco. There are numerous safety issues regarding roadways and traffic, fire dangers that our small volunteer fire department is ill-equipped to handle (and nearest fire station is located too far to be effective in fighting all of the hazards that a landfill can create). This property borders all three sides of the cemetery in which my mother-in-law is buried and no one should have to visit their loved ones with the sounds and smells of a landfill that is located within a stones throw away from their graves. The are safety issues concerning the contamination of our soil, groundwater and aquifers as there are three creeks

Mr

located on this property as well as a huge soil conservation lake. There is abundant wildlife located on this property, which includes many endangered or protected animals. We have absolutely no representation within the city of Waco and that is precisely why they chose our small community to place their massive landfill. They purchased this land in secret and have tried their best to the application fast tracked by TCEQ. The City of Waco already has land that they can put their landfill on, but they are trying to appease a small affluent group of Waco citizens who oppose their new landfill being near their homes even though they purchased their homes KNOWING there was a landfill near them. We are a small farm and ranch community and this landfill would devastate us. Our home and land values will plummet. The majority of this land is not even within the City of Waco's own county, which is McLennan county. Limestone County is where most of this land located. The City of Waco kept their landfill plans secret from even Limestone County. When Limestone County learned of the City of Waco plans to put a landfill they immediately opposed it and let the City of Waco know. The City of Waco did not care and continued their quest to purchase millions and millions of dollars of land outside of their county in order to put an even larger landfill than what they originally submitted to TCEQ. They are now hoping to add a third county that will be impacted by their massive landfill; however, the third county, Hill, opposed it as well. I do not believe the City of Waco has been forthright with the information they submitted in their landfill application to TCEQ. Yes, their application may be administratively complete; however, I hope TCEQ really delves into the technical aspect of their application because I believe TCEQ will have the same concerns that the residents of Axtell, Mount Calm, Billington, Limestone County and Hill County have with this landfill. There is a reason the City of Waco is pushing TCEQ to fast track this application. My hope is that TCEQ will put the brakes on it and see exactly what we are seeing and that is this land is not suitable for a landfill for many, many reasons.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 6, 2018 2:12 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

From: piercepiercebuildersinc@yahoo.com <piercepiercebuildersinc@yahoo.com>
Sent: Thursday, September 6, 2018 10:19 AM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: MR Ricky Pierce

E-MAIL: piercepiercebuildersinc@yahoo.com

COMPANY: Pierce & Pierce Builders, Inc.

ADDRESS: 9151 COUNTY LINE RD S
MOUNT CALM TX 76673-3245

PHONE: 2547496450

FAX:

COMMENTS: **REVISED** I am writing in opposition to the City of Waco's plan to put a new landfill on TK Parkway in McLennan County, Texas. My first issue is with the way in which the COW handled this process. Everything was done in secret and they did not allow the residents who live near the site ample time to protest this proposed landfill site. The COW secretly purchased this land via trust. The sellers had no idea it was the COW of purchasing the land or their intended purpose for this land. The Texas courts have already ruled in a similar case, Pintail Landfill- Hempstead, TX, that the governing body (the county officials), violated the Open Meetings Act, the Public Information Act, and record

retention requirements for meeting in secret and failing to timely and adequately inform the public of their intentions. It is obvious that the COW held meetings, etc. and made up their minds prior to voting to approve this massive land purchase for the purposes of creating a massive landfill. I have requested a copy of all of the documents pertaining to the purchase of this land from the COW. They have given me some documents; however, they are hiding behind "attorney client privilege". I asked them to get the opinion of the Texas Attorney general regarding this as I believe they just don't want the public to be aware of exactly who was involved in this transaction and when this was first discussed as a possible site for their landfill. I believe it is worth noting that the Mayor of Waco, Kyle Deaver, is an attorney, is a board member of American Bank, and owns American Guaranty Title in Waco. I bet if you followed the paper trail you would see his name (and his companies' name) all over this deal, which would seem to me to be a huge conflict of interest. The COW purchased this 1,200 acres well above market value and have acknowledged construction of a landfill on this property would cost \$5,000,000+ in infrastructure and would add at least \$3,000,000 in annual operating costs. Tell me why a city would commit to such a huge investment when they already have a suitable site within their own city limits that would not cost the city near as much money in infrastructure or annual operating costs? The answer is someone is profiting off of this deal and it is not the City of Waco residents nor the residents of Axtell and Mount Calm. The COW states that their current landfill will be at maximum capacity in 5 or so years. Well, then maybe they should stop accepting trash from 11 different counties. It is not our fault that the city has chosen to fill their current landfill up with 11 other different counties' trash. They have obviously chosen profit over the waste management needs of the residents of Waco. They created the problem and they can solve the problem within their city limits. I also take issue with the fact that this land is out of the city of Waco and only 3% of the property is located INSIDE of their county, which means 97% is located outside of their county. The 2 other counties have voiced their opposition to this new proposed landfill site, but the COW refuses to change their plans. This proposed landfill site touches three different cemeteries- of which one my mom is buried in...no one should have to visit their loved ones grave or attend a funeral with a landfill right next door...with the smells, and noise of the landfill in the background...and, no, COW purchasing 700+ acres as a "buffer" or "green space" is not a satisfactory solution. This land also has several creeks that run through it and includes a soil conservation lake. This land has been prone to flood the neighboring properties. There is no way the COW can adequately keep these waters from being contaminated. The COW already has multiple violations identified by TCEQ, but yet we are supposed to trust them to manage this huge proposed landfill better than they manage their current landfill, which is within their own city limits?? Our community does not receive 1 single service from the COW...NOT 1 SINGLE SERVICE, but the COW thinks they can turn 1,200 acres of our community into a landfill or "buffer zone". That just isn't right. Our community is serviced by a volunteer fire department. We do not have adequate resources to handle fires, etc. that occur at a landfill. The closest COW of fire department is located too far away from our community to be effective in handling the issues that can arise at a landfill. Safety is another concern as this proposed site is located at one of the most dangerous intersections in McLennan County. Several people have lost their lives at this intersection. By putting 400+ garbage trucks on our roads daily the COW has just amplified this danger tenfold. The COW already has a suitable site, which is within their city limits, but has decided to dump on our small town because a small, affluent percentage of their citizens have voiced opposition to using this land. The citizens of Axtell have no voice within the COW, and we have no representation in the COW, which is precisely the reason the COW chose our area. There also is abundant wildlife in the area, which would be negatively impacted should TCEQ decide to approve this permit. Several endangered species have been identified as inhabiting this land. We have wild hogs that would wreak havoc on this site. The COW just recently purchased another 700+ acres, which they say will be a "buffer" to the landfill. That is not sufficient. We are a farming and ranching community. This proposed landfill will ruin our way of life. I beg you to not approve the City of Waco's request for a permit to build a new landfill on TK Parkway in McLennan, Hill, and Limestone counties. Thank you!

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 9:46 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: vickipierce4013@yahoo.com <vickipierce4013@yahoo.com>
Sent: Thursday, September 27, 2018 8:28 AM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: MRS Vicki Michelle Pierce

E-MAIL: vickipierce4013@yahoo.com

COMPANY: Pierce & Pierce Builders, Inc.

ADDRESS: 9151 COUNTY LINE RD S
MOUNT CALM TX 76673-3245

PHONE: 2547496450

FAX:

COMMENTS: I am requesting a public hearing on this landfill request from the City of Waco. There are numerous safety issues regarding roadways and traffic, fire dangers that our small volunteer fire department is ill-equipped to handle (and nearest fire station is located too far to be effective in fighting all of the hazards that a landfill can create). This property borders all three sides of the cemetery in which my mom is buried and no one should have to visit their loved ones with the sounds and smells of a landfill that is located within a stones throw away from their graves. There are safety issues concerning the contamination of our soil, groundwater and aquifers as there are three creeks located on this

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property as well as a huge soil conservation lake. There is abundant wildlife located on this property, which includes many endangered or protected animals. We have absolutely no representation within the city of Waco and that is precisely why they chose our small community to place their massive landfill. They purchased this land in secret and have tried their best to the application fast tracked by TCEQ. The City of Waco already has land that they can put their landfill on, but they are trying to appease a small affluent group of Waco citizens who oppose their new landfill being near their homes even though they purchased their homes KNOWING there was a landfill near them. We are a small farm and ranch community and this landfill would devastate us. Our home and land values will plummet. The majority of this land is not even within the City of Waco's own county, which is McLennan county. Limestone County is where most of this land located. The City of Waco kept their landfill plans secret from even Limestone County. When Limestone County learned of the City of Waco plans to put a landfill they immediately opposed it and let the City of Waco know. The City of Waco did not care and continued their quest to purchase millions and millions of dollars of land outside of their county in order to put an even larger landfill than what they originally submitted to TCEQ. They are now hoping to add a third county that will be impacted by their massive landfill; however, the third county, Hill, opposed it as well. I do not believe the City of Waco has been forthright with the information they submitted in their landfill application to TCEQ. Yes, their application may be administratively complete; however, I hope TCEQ really delves into the technical aspect of their application because I believe TCEQ will have the same concerns that the residents of Axtell, Mount Calm, Billington, Limestone County and Hill County have with this landfill. There is a reason the City of Waco is pushing TCEQ to fast track this application. My hope is that TCEQ will put the brakes on it and see exactly what we are seeing and that is this land is not suitable for a landfill for many, many reasons.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 6, 2018 2:04 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

From: vickipierce4013@yahoo.com <vickipierce4013@yahoo.com>
Sent: Thursday, September 6, 2018 9:25 AM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Vicki Michelle Pierce

E-MAIL: vickipierce4013@yahoo.com

COMPANY:

ADDRESS: 9151 COUNTY LINE RD S
MOUNT CALM TX 76673-3245

PHONE: 2547496450

FAX: 2547554549

COMMENTS: ****REVISED**** I am writing in opposition to the City of Waco's plan to put a new landfill on TK Parkway in McLennan County, Texas. My first issue is with the way in which the COW handled this process. Everything was done in secret and they did not allow the residents who live near the site ample time to protest this proposed landfill site. The COW secretly purchased this land via trust. The sellers had no idea it was the COW of purchasing the land or their intended purpose for this land. The Texas courts have already ruled in a similar case, Pintail Landfill- Hempstead, TX, that the governing body (the county officials), violated the Open Meetings Act, the Public Information Act, and record

retention requirements for meeting in secret and failing to timely and adequately inform the public of their intentions. It is obvious that the COW held meetings, etc. and made up their minds prior to voting to approve this massive land purchase for the purposes of creating a massive landfill. I have requested a copy of all of the documents pertaining to the purchase of this land from the COW. They have given me some documents; however, they are hiding behind "attorney client privilege". I asked them to get the opinion of the Texas Attorney general regarding this as I believe they just don't want the public to be aware of exactly who was involved in this transaction and when this was first discussed as a possible site for their landfill. I believe it is worth noting that the Mayor of Waco, Kyle Deaver, is an attorney, is a board member of American Bank, and owns American Guaranty Title in Waco. I bet if you followed the paper trail you would see his name (and his companies' name) all over this deal, which would seem to me to be a huge conflict of interest. The COW purchased this 1,200 acres well above market value and have acknowledged construction of a landfill on this property would cost \$5,000,000+ in infrastructure and would add at least \$3,000,000 in annual operating costs. Tell me why a city would commit to such a huge investment when they already have a suitable site within their own city limits that would not cost the city near as much money in infrastructure or annual operating costs? The answer is someone is profiting off of this deal and it is not the City of Waco residents nor the residents of Axtell and Mount Calm. The COW states that their current landfill will be at maximum capacity in 5 or so years. Well, then maybe they should stop accepting trash from 11 different counties. It is not our fault that the city has chosen to fill their current landfill up with 11 other different counties' trash. They have obviously chosen profit over the waste management needs of the residents of Waco. They created the problem and they can solve the problem within their city limits. I also take issue with the fact that this land is out of the city of Waco and only 3% of the property is located INSIDE of their county, which means 97% is located outside of their county. The 2 other counties have voiced their opposition to this new proposed landfill site, but the COW refuses to change their plans. This proposed landfill site touches three different cemeteries- of which one my mom is buried in...no one should have to visit their loved ones grave or attend a funeral with a landfill right next door...with the smells, and noise of the landfill in the background...and, no, COW purchasing 700+ acres as a "buffer" or "green space" is not a satisfactory solution. This land also has several creeks that run through it and includes a soil conservation lake. This land has been prone to flood the neighboring properties. There is no way the COW can adequately keep these waters from being contaminated. The COW already has multiple violations identified by TCEQ, but yet we are supposed to trust them to manage this huge proposed landfill better than they manage their current landfill, which is within their own city limits?? Our community does not receive 1 single service from the COW...NOT 1 SINGLE SERVICE, but the COW thinks they can turn 1,200 acres of our community into a landfill or "buffer zone". That just isn't right. Our community is serviced by a volunteer fire department. We do not have adequate resources to handle fires, etc. that occur at a landfill. The closest COW of fire department is located too far away from our community to be effective in handling the issues that can arise at a landfill. Safety is another concern as this proposed site is located at one of the most dangerous intersections in McLennan County. Several people have lost their lives at this intersection. By putting 400+ garbage trucks on our roads daily the COW has just amplified this danger tenfold. The COW already has a suitable site, which is within their city limits, but has decided to dump on our small town because a small, affluent percentage of their citizens have voiced opposition to using this land. The citizens of Axtell have no voice within the COW, and we have no representation in the COW, which is precisely the reason the COW chose our area. There also is abundant wildlife in the area, which would be negatively impacted should TCEQ decide to approve this permit. Several endangered species have been identified as inhabiting this land. We have wild hogs that would wreak havoc on this site. The COW just recently purchased another 700+ acres, which they say will be a "buffer" to the landfill. That is not sufficient. We are a farming and ranching community. This proposed landfill will ruin our way of life. I beg you to not approve the City of Waco's request for a permit to build a new landfill on TK Parkway in McLennan, Hill, and Limestone counties. Thank you!

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 6, 2018 1:58 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

From: vickipierce4013@yahoo.com <vickipierce4013@yahoo.com>
Sent: Thursday, September 6, 2018 8:08 AM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: MRS Vicki Michelle Pierce

E-MAIL: vickipierce4013@yahoo.com

COMPANY:

ADDRESS: 9151 COUNTY LINE RD S
MOUNT CALM TX 76673-3245

PHONE: 2547496450

FAX: 2547554549

COMMENTS: I am writing in opposition to the City of Waco's plan to put a new landfill on TK Parkway in McLennan county, Texas. My first issue is with the way in which the COW handled this process. Everything was done in secret and they did not allow the residents who live near the site ample time to protest this proposed landfill site. The COW secretly purchased this land via trust. The sellers had no idea it was the COW of purchasing the land or their intended purpose for this land. I also take issue with the fact that this land is out of the city of Waco and only 3% of the property is located OUTSIDE of their county. The 2 other counties have voiced their opposition to this new proposed landfill site,

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but the COW refuses to change their plans. This proposed landfill site touches 3 different cemeteries- of which 1 my mom is buried in...no one should have to visit their loved ones grave or attend a funeral with a landfill right next door...and no them purchasing 700+ acres as a "buffer" is not a satisfactory solution. This land also has several creeks that run through it and includes a soil conservation lake. There is no way the COW can adequately keep these waters from being contaminated. Safety is another concern as this proposed site is located at one of the most dangerous intersections in McLennan county. Several people have lost their lives at this intersection. The COW already has site, which is within their city limits, but have decided to dump on our small town because a small, affluent percentage of their citizens have voiced opposition to use this land. The citizens of Axtell have no voice within the COW, and we have no representation in the COW, which is precisely the reason the COW chose our area. There also is abundant wildlife in the area, which would be negatively impacted should TCEQ decide to approve the permit. We have wild hogs that would reek havoc on this. The COW just recently purchased another 700+ acres, which they say will be a "buffer" to the landfill. That is not sufficient. We are a farming and ranching community. This proposed landfill will ruin our way of life. I beg you to not approve the City of Waco's request for a permit to build a new landfill on TK Parkway in McLennan, Hill, and Limestone counties. Thank you!

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 9:52 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

PM
H

From: mklanika@netscape.net <mklanika@netscape.net>
Sent: Wednesday, September 26, 2018 9:36 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Melissa Porter

E-MAIL: mklanika@netscape.net

COMPANY:

ADDRESS: 1500 LCR 102
MOUNT CALM TX 76673-3625

PHONE: 2543159200

FAX:

COMMENTS: I am opposing the City of Waco's application for a landfill and requesting a hearing and/or public meeting for permit #2400. I would like the application to be reconsidered for acceptance and/or denied based on the following issues with the application for the proposed site: Checklist ID #41 In the application, the following statement "Liquids resulting from the operation of the landfill will be disposed of in a manner that will not cause groundwater contamination" should not and does not suffice to prevent this from occurring. The Trinity Aquifer is located on the

Handwritten initials

proposed site. The permit boundaries are within 1 mile of 184 acres of water bodies. Also the continuance of a floodplain exists between the two proposed disposal areas. Couple that with the area being unstable, the conditions are ripe for catastrophic contamination. Unstable areas include natural (flooding) or human induced events and/or poor foundation conditions which is apparent with all the house foundation issues in the area. In the application (Section 9.6), City of Waco state that this does not exist and there is no need for additional engineering measures. Almost all homes in the area are built with a REQUIRED engineered slab. Application states no development is proposed in the floodplain (Section 11.1) yet a portion of the floodplain is included on Figure 4 of the permit boundary. In regards to the proximity of airports within 6 mile radius, I believe the Wings of Christ and Texas Valley Airfield are within the 6 mile radius contrary to the drawing provided by the City of Waco. Notice in Appendix I/II Airport Locations Request, Wings for Christ location is depicted by proximity to Waco, Texas whereas TSTC airport is depicted by proximity to the proposed site. Regarding Checklist ID #246, the application is marked "NA, See Section 9.4" regarding structural damage to roads, etc. This is not addressed there and there would be substantial damage to the Farm to Market road leading in to the proposed site with the sheer weight of the trucks and waste. And the existing roadways do not provide adequate access as stated in the application. The roadway is a narrow, two lane Farm to Market lacking any shoulders. In ID #126, checklist item states to "provide information regarding the likely impacts on...groups of property owner or individuals". The impact was not addressed but I can assure you that our quality of life will be drastically diminished as I live less than a mile from proposed site. Also worth noting is the impact of the proposed landfill to the existing wildlife and environment. It will be deter mental to their existence. City of Waco also claim there are no water wells onsite or within 500 feet which I do not believe to be accurate based on my personal knowledge of the area. And although the Limestone County Commissioners did not file the resolution opposing the proposed landfill BEFORE City of Waco filed, it should be noted that along with Hill County, Mount Calm ISD and local water boards, this application is opposed by all in their filing of opposition resolutions including Limestone County. I would also like to know where City of Waco plans to get their water resource from as it was not addressed in the application and any source of water consumed by the residence in the area surrounding the proposed site is scarce and would not support City of Waco consumption for the landfill. I would also like to know how many regulatory visits have been made to the current City of Waco landfill MSW Site #948A and how many times it was cited for infractions and/or noncompliance. Once again, I strongly oppose the application and granting of this permit to City of Waco. Please take all concerns into consideration and deny this permit. Thank you for your time.

3

TCEQ Public Meeting Form
August 15, 2019

The City of Waco
Municipal Solid Waste Permit
Proposed Permit No. 2400

PLEASE PRINT

Name: Melissa Porter

Mailing Address: 1500 LCR 102 Mt. Calm, TX 76673

Physical Address (if different): _____

City/State: Mt. Calm, TX Zip: 76673

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

Email: mklanika@netscape.net

Phone Number: (254) 315-9200

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

Please add me to the mailing list.

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

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

(Written comments may be submitted at any time during the meeting)
Please give this form to the person at the information table. Thank you.

12

RECEIVED

AUG 15 2019

AT PUBLIC MEETING

Good evening ladies and gentlemen,

My name is Melissa Porter and I reside on LCR 102 surrounded on 3 sides by City of Waco owned land bought for the purpose of a multi-county landfill. I am here tonight to dissuade you - as the Texas Commission on Environmental Quality - from approving City of Waco's pending permit #2400 to put a landfill off State Hwy 31 and TK Parkway. I don't have to tell that the mission of the entity YOU represent is to "protect our state's public health and natural resources". If the landfill is permitted, it will be within 1 mile of 184 acres of water bodies. The Trinity Aquifer is located on the proposed site where many residents get their source of water for consumption. City of Waco's application states no development is proposed in the floodplain (Section 11.1) yet a portion of the floodplain is included on Figure 4 of the permit boundary and there is a continuance of the floodplain between the two proposed disposal areas. All of these facts are in their pending permit with your entity. There is video of the most recent flooding and it was not even of some of the most historical rainfall this area has had but to look at the property, it looked like a large lake in a short period of time because that property is in a floodplain. In City of Waco's pending parts of the application, their statement "liquids resulting from the operation of the landfill will be disposed of in a manner that will not cause groundwater contamination" should not and does not suffice to prevent this from occurring. Now tell me, how will TCEQ protect our health and natural resources whose mission is to do those very things and ensure their goal of "clean water" if they permit a landfill at this location that is ripe for catastrophic contamination?

Unstable areas include natural (flooding) or human induced events and/or poor foundation conditions. The proposed site would be considered to be an unstable area based on this definition found in the City of Waco's pending permit. This is apparent with all the house foundation issues in the area. Almost all homes in the area are built with a required engineered slab because lenders believe in "sound science" which is one basis TCEQ uses in their decision-making process to accomplish their mission of "protecting our state's public health and natural resources". City of Waco, on the other hand, state in the application (Section 9.6), this does not exist and there is no need for additional engineering measures. The basis of "sound science" by which TCEQ uses in their decision-making process should not be ignored when so many lives and the environment your entity was commissioned to protect are at risk. How will TCEQ be using the basis of "sound science" to achieve the mission set forth by them in allowing this permit?

The issue of structural damage to the roads is marked "NA, See Section 9.4" in the City of Waco's pending permit but is not addressed elsewhere. There would be substantial damage to the Farm to Market road leading in to the proposed site with the sheer weight of the trucks and waste. And the existing roadways do not provide adequate access as stated in the application. The roadway is a narrow, two lane Farm to Market lacking any shoulders. City of Waco does not seem to understand the concept of "fiscal responsibility", therefore ignored it all together in their application when addressing the structural damage to roads. However, your entity uses "fiscal responsibility" in the decision-making process to accomplish TCEQ's mission of "protecting our state's public health and natural resources". How will TCEQ be using the basis of "fiscal responsibility" to achieve the mission set forth by them in allowing this permit?

Where does City of Waco plan to get their water resource from as it was not addressed in the application and any source of water consumed by the residence in the area surrounding the proposed

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site is scarce and would not support City of Waco consumption for the landfill? If City of Waco's plan is to use the current water source, and being that part of TCEQ's mission is to "protect our state's natural resource, how could this landfill possibly be permitted using that source of water that so many residents depend on for consumption and livelihood?

Where will the fault lie when the catastrophic contamination occurs if you choose to ignore the mission and goal of the entity you represent and allow this landfill to be permitted in such an undesirable location for a landfill? Will it lay with those seeking to permit or those approving the permit? I really would like to know who to hold accountable. If you use all the basis by which you should use and claim to use in your decision-making process, catastrophic contamination can be avoided. This property has all the elements for you to accomplish the TCEQ goal of "protecting our state's public health and natural resources based on law, common sense, sound science and fiscal responsibility" by NOT permitting this landfill. Common sense should prevail with all the facts presented to determine what most of us already know – that permitting a landfill in that area is a really bad idea. Please take all concerns into consideration and deny this permit. Thank you for your time.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 9:52 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: randilee04@hotmail.com <randilee04@hotmail.com>
Sent: Wednesday, September 26, 2018 10:57 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Randi Price

E-MAIL: randilee04@hotmail.com

COMPANY:

ADDRESS: 102 N MORGAN ST W
MOUNT CALM TX 76673-3020

PHONE: 2549932024

FAX:

COMMENTS: I am absolutely opposed to this proposed landfill. The proposed site is a wildlife sanctuary for many animals and birds, including deer, bald eagles, and migratory waterfowl . The conservation lake is a beautiful and peaceful haven for untold numbers of creatures that will be displaced by the destruction of the land. This is wooded acreage with 100 year old oaks, elm, and native botanicals. These cannot be replaced and should not be hazardously destroyed. The clay soil in this area shifts relentlessly and there is not any liner or system that can contain leachate. The lake, 4 creeks, and the watershed would be contaminated by the unsanitary conditions of a dump. The pollutants would

eventually reach the aquifers that supply our drinking water. Farmers and ranchers in the area are already battling the feral hogs and the rubbish would cause them to multiply exponentially. This will cause a real hardship to the people that make a living from the land. The potential fire hazards are impossible for local volunteer fire departments to manage and the closest city fire department would have at least a 35-40 minute response time- hazmat even longer. The proposed site is on a very narrow county road near a very dangerous intersection. There have been multiple fatal accidents in just a few years time. Increased truck traffic will be disastrous. Please respect the residents in the area by holding a public hearing before proceeding with the permit process. We have not been shown any respect or common courtesy from the City of Waco, I hope the T C E Q will give us a chance to be heard. Sincerely, Randi Price

MSW
112581

Laurie Garris, Chief Clerk
TC & R, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

JUNE 1, 2022

REVIEWED
JUN 07 2022
By GCW H

CHIEF CLERKS OFFICE

2022 JUN -7 AM 10:06

TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY

DEAR LAURIE GARRIS,

MY NAME IS DAVID L. REED, JR. - MY CURRENT ADDRESS IS
P.O. Box 1922
CANYON LAKE, TEXAS 78133
(979) 777-7391- CELL NUMBER

I AM WRITING IN REFERENCE TO THE APPLICATION BY THE CITY OF WACO, PERMIT No. 2400. I AM REQUESTING A CONTESTED CASE HEARING.

AS I STATED IN A LETTER TO TC&R DATED NOVEMBER 8, 2021, I AM A LANDOWNER WITH PROPERTY LOCATED WITHIN THE ONE-MILE RADIUS OF THE PROPOSED MUNICIPAL SOLID WASTE SITE. MY LAND JOINS MY FATHER'S PROPERTY, WHICH ADJOINS SOIL CONSERVATION SERVICE SITE 19 RESERVOIR. THE DRAINAGE OUTLET, EMERGENCY SPILLWAY AND WATER ACCESS TO THE RESERVOIR ARE LOCATED ON HIS DEEDED PROPERTY. WE WILL BOTH FALL UNDER THE CATEGORY OF AN "AFFECTED PERSON."

I RECEIVED YOUR LETTER DATED MAY 10, 2022 AND BEGAN REVIEWING THE EXECUTIVE DIRECTOR'S RESPONSES TO THE COMMENTS SUBMITTED BY THE MANY CONCERNED CITIZENS. I DO NOT FEEL THE CONCERNS I EXPRESSED IN MY LETTER LAST NOVEMBER HAVE BEEN ADEQUATELY ADDRESSED AND SEE LITTLE EVIDENCE IN THE IMPORTANCE OF THE QUALITY OF SURFACE WATER RUNOFF FROM THE PROPOSED SITE EVEN BEING ADDRESSED OR GIVEN CONSIDERATION AS A POTENTIAL AREA OF CONCERN.

IN RESPONSE #6 IT STATES, "TCEQ RULES DO NOT REQUIRE AN IMPACT STUDY OF THE FACILITY ON WATER QUALITY," THAT'S NOT AN ACCEPTABLE ANSWER TO THIS SITE SPECIFIC LOCATION OF A PROPOSED LANDFILL. STORMWATER FROM THE PROPOSED LANDFILL WILL BE CONVEYED INTO HORSE CREEK AND PACKWOOD CREEK, WHICH ARE BOTH TRIBUTARIES TO SITE 19 RESERVOIR. RESPONSE 6 ALSO STATES, "AN OWNER OR OPERATOR OF AN MSW FACILITY MAY NOT DISCHARGE CONTAMINATED WATER OFF SITE WITHOUT PRIOR AUTHORIZATION. (30 TAC 330.207 (A)(B) & (C))." TCEQ IS CHARGED WITH PROTECTING TEXAS BY REDUCING AND PREVENTING POLLUTION AS STATED ON YOUR LETTER HEAD. SIMPLE PRUDENCE REQUIRES AND DICTATES THAT WHEN YOU HAVE A LANDFILL CONVEYING STORMWATER DIRECTLY INTO TRIBUTARIES OF A FLOODWATER RESERVOIR WHICH IMPACTS THE QUALITY OF WATER IN SEVERAL DOWNSTREAM WATERSHEDS IT REQUIRES THAT YOU HAVE TO HAVE A STARTING POINT OF THE CURRENT QUALITY OF WATER, SITE SPECIFIC PLANS TO HANDLE SURFACE WATER RUNOFF, OVERSIGHT IN THE DESIGN, CONSTRUCTION AND MAINTENANCE STAGES OF THE OPERATION, MONITORING DURING RAINFALL EVENTS, TESTING PLANS SET UP AND COMPLETED ON A REGULAR BASIS AND CONTINUOUS FOLLOW-UP MEASURES IN ORDER TO ADEQUATELY FULFILL THE RESPONSIBILITIES OF TRYING TO ENSURE WATER QUALITY IS PROTECTED.

RESPONSE TO COMMENT #3--STATES THAT THE SYSTEMS FOR MONITORING GROUNDWATER AND LANDFILL GAS WOULD CONTINUALLY EVALUATE THE PERFORMANCE OF THE FACILITY. WHY IS SURFACE WATER RUNOFF NOT INCLUDED IN A CONTINUAL EVALUATION PROCESS?

IN REFERENCE TO SURFACE WATER, IT IS NOT ENOUGH TO JUST STATE THAT THE APPLICATION CONTAINS PLANS WHICH COMPLY WITH REGULATORY REQUIREMENTS, WHEN YOU HAVE A SITE SPECIFIC LOCATION LIKE THE PROPOSED LANDFILL, JUST CHECKING OFF BLOCKS ON A CHECKLIST TO SEE IF MINIMUM REQUIREMENTS FOR LANDFILLS IS IN THE PLAN DOES NOT FULFILL ANY REASONABLE EXPECTATION OF ENSURING WATER QUALITY WILL BE MAINTAINED.

WHEN RESERVOIR 19 WAS CONSTRUCTED IN THE 60'S - THERE WERE SEVERAL AGENCIES, GOVERNMENTAL ENTITIES AND TWO SEPARATE COUNTIES INVOLVED IN THE PLANNING, DESIGN AND CONSTRUCTION, WITH MAINTENANCE BEING DONE EVER SINCE. I'M ALMOST CERTAIN A LANDFILL IN THE IMMEDIATE WATERSHED WASN'T FACTORED IN AT THAT TIME. WHY WOULD TCEQ. NOT CONSIDER THE POTENTIAL AFFECTS OF SURFACE WATER QUALITY IMPORTANT ENOUGH TO REQUIRE THE INVOLVEMENT OF THE PARTIES WITH ORIGINAL AND CONTINUED RESPONSIBILITY FOR THE INTEGRITY OF THE RESERVOIR TO BE INVOLVED IN THE DECISION OF WHAT IS NEEDED? WERE THESE ENTITIES EVEN CONTACTED BY TCEQ.?

AS AN AFFECTED LANDOWNER I AM NOT FINDING ANY
CONFIDENCE IN THE RESPONSES TO COMMENTS AND
HOW THIS APPLICATION IS PROCEEDING TO ASSURE
ME THAT T.C.E.Q. HAS DONE SUFFICIENT WORK
PRIOR TO ISSUING A PERMIT TO THE CITY OF
WACO.

PLEASE LET ME KNOW IF YOU NEED ANY ADDITIONAL
INFORMATION AT THIS TIME. I LOOK FORWARD TO
HEARING BACK FROM T.C.E.Q. AS THE PROCESS OF THE
CONTESTED CASE HEARING IS UNDERTAKEN.

SINCERELY,

David L. Reed, Jr.

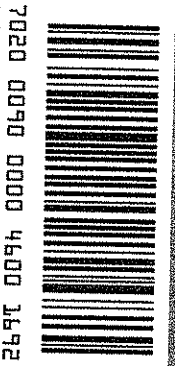
DAVID L. REED, JR.

P.O. Box 1922

CANYON LAKE, TEXAS
78133

(979) 777-7391

DAVID HESLO
P.O. Box 1922
CANYON LAKE, TEXAS
78133



CERTIFIED MAIL



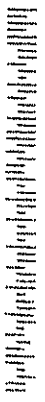
U.S. POSTAGE PAID
FORM 3849
CANYON LAKE, TX
JUN 09, 22
AMOUNT
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RECEIVED
JUN 07 2022
TRSD MAIL CENTER
TX

LAURIE SHARIS CHIEF CLERK
T.C.E.O. MC-105
P.O. Box 13087
AUSTIN, TEXAS
78711-3087

CHIEF CLERKS OFFICE

2022 JUN 7 AM 10:06
COMMISSION ON ENVIRONMENTAL QUALITY



Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

November 8, 2021

REVIEWED

MSW
112581

NOV 17 2021
By SCW

Re: City of Waco Proposed Landfill Permit NO. 2400

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2021 NOV 15 PM 2:37
CHIEF CLERKS OFFICE

Dear TCEQ,

I am a landowner with property located within the one-mile radius of the proposed Municipal Solid Waste site as shown on the map provided in the application documents. I attended the virtual public meeting at 7:00 pm on September 23, 2021, by phone.

I have been following the progress of the proposed landfill from the time it was made public that the City of Waco had purchased property with the intent of moving the location of their next landfill from the existing site that had been purchased for that purpose years ago, to the proposed site not even located entirely within McLennan County. The manner in which the city has dealt with the entire process has been very disheartening to say the least. Aside from the lack of common sense, added costs to the city residents, added negative environmental and economic impacts on traffic, roads, local communities and their citizens, the lack of open transparency that is expected of a municipality has been mind boggling. However, with this letter I would like to address one specific major area of concern, surface water drainage from the proposed landfill site and potential contamination of water quality in Soil Conservation Service Site 19 Reservoir.

Section 10.2 of Parts I & II of the Permit Application, Revision 1 dated January 8, 2019, addresses Surface Water and recognizes that stormwater from the proposed landfill will be conveyed into Horse Creek and Packwood Creek, which are both tributaries of the reservoir. which discharges into Williams Creek and eventually into Tehuacana Creek, which discharges into the Brazos River. The document states that surface water discharge will be handled under a system designed according to 30 TAC 330.63(c). Other documents added since then further differentiate between runoff being either from sources contaminated with

waste or leachate, or being from uncontaminated surface runoff, which logically require different construction designs and management systems.

I was somewhat surprised when reading the Technical Summary of the Proposed City of Waco Landfill Municipal Solid Waste Permit Application No. 2400, prepared October 1, 2021, Section 5 Land Use, 5.3 where it states, "One reservoir, a US Soil Conservation Reservoir is located partially on the site, ...however it is shown to be outside of the waste disposal footprint." This statement seems to lessen the possible impact that runoff from the proposed landfill site will have on the reservoir. Then Section 8 of the same document, Surface Water Protection, references 30 TAC 330.3 as the basis for how the water will be handled in general, with no specific designs, drawings or criteria given. Understanding that this document serves as a summary only, the wording used raises many questions and concerns in relation to keeping surface water contamination out of the tributaries of the Conservation Reservoir.

To help explain my interests in this specific area, my land joins my father's property, which adjoins the reservoir, with deeded acreage that include the drainage outlet, emergency spillway and water access to the reservoir. Aside from the obvious effects that contamination from the potential landfill would have on wildlife, migratory birds, livestock, and the recreational use that the watershed lake provides, the potential for future problems go even further, with discharge from this reservoir continuing downstream and eventually ending up in the Brazos River, as stated in the original application. I certainly expected more emphasis on this aspect of surface water runoff to be included in the Technical Summary, given the seriousness of proper design, construction and management and negative consequences if not done properly.

I recall the City of Waco being extensively involved a few years back in legal litigation concerning the contamination of Lake Waco from the upstream dairies located as far away as Erath County, and other farms in the watershed above the lake. Just as their concerns originated from the way individual landowners managed their surface runoff in that situation, so too will contaminate runoff from this proposed landfill site be a major factor in any possible future legal issues involving water quality from this reservoir all the way downstream to the Brazos

River. But this time, the shoe will be on the other foot. I have a major concern that not enough emphasis is being placed on the importance of handling the surface water runoff. I personally have just under 20 years past experience working for the U.S.D.A. Soil Conservation Service and understand the technical aspects, principles and factors that go into the design, construction and maintenance of watershed reservoirs. The seriousness of the "quality of work" involved in all phases of the project cannot be stressed enough and just stating they will be designed in compliance with 30 TAC is not sufficient to give any level of confidence that water quality will be maintained downstream of the landfill runoff.

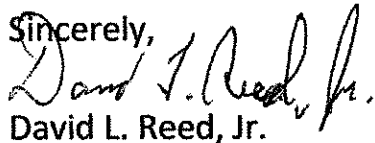
The following is a starting list of items I see as missing pieces of the proposed plan:

- 1) During the virtual public meeting in September, the question was raised as to how many violations the City of Waco has had in the past involving the maintenance and operation of their existing landfill site. No one from the City or TCEQ was able to respond to that question but promised to provide a response. To date, I have no confidence in the way the City has handled themselves, and an answer to this question can go a long way in either providing some level of confidence that things will be done right, or just add to my skepticism. Please provide me with the findings of that search.
- 2) Concerning the implementation stages of the proposed project, my questions include:
 - a) As the engineering designs for the Surface Water and Stormwater Management and Control systems are developed, and reviewed by TCEQ, will they be made available for review by entities that oversee the watershed reservoir and to the public?
 - b) Who is responsible for approval of the construction work that is to be done on site and certification the construction meets the design criteria?
 - c) Who is responsible for the oversight, maintenance and checking the control systems during the rainfall events, and how often will they be spot checked?

3) I did not see a "Monitoring Plan for the Surface Water Runoff" being discussed, required, or included in any of the documents. Is this not required, as is the case with the groundwater monitoring plan? Surface water contamination poses just as big a risk as groundwater contamination if not properly designed, constructed and most of all managed properly. Please provide me with the reasons a monitoring plan has not been required yet, and would not be needed, or better yet, require a plan to be developed.

It may be possible that I have overlooked some explanations to my concerns in reading through the various documents included on the City of Waco website. The information is not presented in a user-friendly method, and it can be hard to comprehend everything being conveyed in the documents. However, I look forward to hearing back from you with the responses to the items I have mentioned. I will continue to monitor the progress of the proposed landfill site application but continue to be disheartened by how things seem to be passed off as "not under our jurisdiction, or authority," or "we don't have an answer now, but will find out and get back with you," when it comes to questions and concerns expressed about this project.

Sincerely,



David L. Reed, Jr.

P.O. Box 1922

Canyon Lake, Texas 78133

E-mail – gloria.tibi.christe@gmail.com

Phone: (979) 777-7391

DAVID L. REED, JR.

P.O. Box 1922

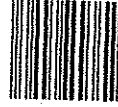
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OFFICE OF CHIEF CLERK MC-105

P.O. Box 13087

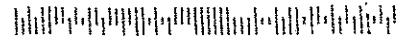
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78711-3087

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NOV 15 2021

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JH



Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

November 8, 2021

REVIEWED

NOV 12 2021
By GCW

CHIEF CLERKS OFFICE

2021 NOV 12 AM 9:32

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: City of Waco Proposed Landfill Permit NO. 2400

MSW
112581

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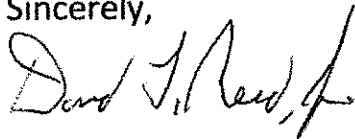
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Sincerely,



David L. Reed, Jr.

P.O. Box 1922

Canyon Lake, Texas 78133

E-mail – gloria.tibi.christe@gmail.com

Phone: (979) 777-7391

DAVID L. REED, JR

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OFFICE OF CHIEF CLERK MC-105

P.O. Box 13087
AUSTIN, TEXAS

78711-3087

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2021 NOV 12 AM 9:32

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY



Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 9:53 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: lordlover120@hotmail.com <lordlover120@hotmail.com>
Sent: Wednesday, September 26, 2018 9:21 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: MRS Elisabeth Rigby

E-MAIL: lordlover120@hotmail.com

COMPANY:

ADDRESS: 4418 T K PKWY
AXTELL TX 76624-1353

PHONE: 2097775456

FAX:

COMMENTS: I want to request a contested case hearing regarding this landfill. This landfill is literally two lots down from my home, and while I understand that there will be precautions taken to protect the waterways (which are proven to eventually deteriorate) there is no way to prevent my children from breathing the air. Studies have proven that people, especially children, that live within 5 miles of landfills WILL have compromised immune systems, asthma, and greater risks of lung cancer. The risk is even higher when within two miles, which we are. We did NOT choose to live near a

mw

landfill...that choice is apparently being made for us; and how, may I ask, are we supposed to sell our home, now that a landfill is being put there? I don't know anyone who wants to live near one!

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 9:51 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: Kattjoy@yahoo.com <Kattjoy@yahoo.com>
Sent: Wednesday, September 26, 2018 11:32 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Kathleen J Rigby

E-MAIL: Kattjoy@yahoo.com

COMPANY:

ADDRESS: 1533 BROOKSIDE DR
MANTECA CA 95336-8512

PHONE: 2098156855

FAX:

COMMENTS: I want a contested case hearing against this landfill site. This will affect my three grandsons who live near this proposed landfill.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 9:53 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: swrigo@hotmail.com <swrigo@hotmail.com>
Sent: Wednesday, September 26, 2018 9:34 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: MR Steven Rigby

E-MAIL: swrigo@hotmail.com

COMPANY:

ADDRESS: 4418 T K PKWY
AXTELL TX 76624-1353

PHONE: 2096123165

FAX:

COMMENTS: Bald eagles consistently nest and have been sighted. Documented proof is available. Water contamination into a water conservation site would be detrimental. This fear is based on the city's current landfill issues. Increased air contamination. Increased traffic, pollution, and noise. This is also historical land, the location of Tekay city. Numerous wildlife and endangered species roam this property and would be forced into surrounding neighborhoods and properties. Proven American Indian artifacts have been found showing signs of tribal heritage. I fear that the city is not currently following, and will not in the future follow protocol based on their previous record of violations. These

concerns are based on facts that have been found, as well as the underhanded process that the City of Waco used to acquire the said properties located at T K Parkway. They showed no concern for the welfare of the citizens surrounding the proposed site. I want to request a contested case hearing. Thank you.

msw
112581

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, September 26, 2018 3:53 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

H

From: zoeymnstr@yahoo.com <zoeymnstr@yahoo.com>
Sent: Tuesday, September 25, 2018 8:37 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTITY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Stacy L Roof

E-MAIL: zoeymnstr@yahoo.com

COMPANY:

ADDRESS: 370 W OLD AXTELL RD
WACO TX 76705-4926

PHONE: 2546408561

FAX:

COMMENTS: I am requesting a formal hearing in regards to the permitting of the landfill the City of Waco would like to build near my hometown of Axtell, Texas. Please take the time to listen to our objections and concerns. We vehemently oppose this venture. Thank you.

msw

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, September 26, 2018 2:31 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

H

From: kyle_serros@hotmail.com <kyle_serros@hotmail.com>
Sent: Tuesday, September 25, 2018 8:29 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: DR. Alcario Serros, III

E-MAIL: kyle_serros@hotmail.com

COMPANY:

ADDRESS: 933 FRAZIER LN
AXTELL TX 76624-1400

PHONE: 2546308490

FAX:

COMMENTS: I am writing this letter with a deep concern for our community and the general health of our people. After serving twenty-two years in the United States Army spending time in combat overseas, my wife and I decided to become full members of the Ranching and Farming Community. My wife and I grew up in the deep inner city, but we found a deep love and passion for hard work. We have bared the hardships of starting a farm knowing next to nothing, to now fully farming over 330 acres of land with cattle and crops. We purchased our first heifers a few years ago and so began our adventure as producers to feed the general population. We have grown attached our community and are very proud

of the hard work of those who live around us. It is of utmost concern that we would allow the waste of others in our area to contaminate the general population food supply we work so hard to keep clean. Allowing toxic products to enter our beautiful community would mean the degradation, the poisoning of our environment and our food, not common to the general public. Toxic products would flow from the landfill and down the waterways, such as Williams Creek, that feed and water our food supply. This, in turn, will contaminate our farms, our milk, our livestock. Allowing the landfill to be built in such an area would be incomprehensible and unethical. From the dairy farms that produce our milk to the chickens and livestock that supply Waco with nourishment, we are allowing the poisoning of this food if we allow a landfill in this area. If indeed this landfill is built northeast of Waco or in the currently planned district, our community would be affected and eventually, the greater population's health would also be affected. I may not know enough about the environment, but as a physician, I do know human health. If chosen to proceed with building a landfill in the planned area, all must understand that there is a good stance for litigation from those whose health is affected. Thus the city of Waco will lose the faith of its people and lose a significant amount of money to pay for health damages, to say the least. I request a contested case hearing. Sincerely, Alcario Serros, III 933 Frazier Lane Axtell, TX 76624 254-630-8490
Applicant's name: The City of Waco Permit Number: 2400 Location is in Axtell The distance from my property from the proposed landfill is 5.78 miles straight line and 9.6 miles driving distance.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, September 26, 2018 1:45 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-ELD; PUBCOMMENT-OPIC; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

H

From: aikmanfan76673@yahoo.com <aikmanfan76673@yahoo.com>
Sent: Tuesday, September 25, 2018 3:49 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Leslie Gail Souders

E-MAIL: aikmanfan76673@yahoo.com

COMPANY:

ADDRESS: 518 N SEELEY AVE W
MOUNT CALM TX 76673-3073

PHONE: 2547444665

FAX:

COMMENTS: I am writing to express my concerns and opposition of the proposed landfill the City of Waco is wanting to put in eastern Limestone and Hill Counties. There are 4 cemeteries that sit very close to the propose site. T.K. Cemetery is right on T.K. Parkway adjacent to the 502 acres proposed site. Billington Cemetery sits off of Billington Road right around the corner from T.K. Mount Calm cemetery sits off of CR 3272 right near the 702 acres the City of Waco bought in August. Mt. Antioch cemetery sits less than 5 miles from the 702 acres site. Our son is buried in this cemetery. The thought of trash being dumped near his final resting place sends shivers up my spine. How could a City, from a totally

different, county come into two other counties and want to put a dump? My husband, daughter and I drive Highway 31 everyday. We go past T.K. Parkway and see the amount of traffic that travels the intersection of Highway 31 and T.K. Parkway. We have personally witnessed numerous accidents at that intersections. By adding big trash trucks it will only increase the already existing dangers. T.K. Parkway (which is a two lane road with no shoulders) is not geared to hold up or be able to handle the traffic of 100s of big trash trucks traveling that road on a daily basis. Limestone and Hill counties already have a hog problem without adding extra trash for them to thrive on. My husband and I maintain the Mt. Antioch cemetery. We battle the hog problems all the time. Imagine the issues if there is a landfill/dump for them to live on. No amount of fences and devices will keep them out. Is the City of Waco going to be able to alleviate this issue? I think not. The proposed area for the landfill consists of creeks, reservoirs and various wildlife that contribute to the absolute beauty of the area. The children in the area are free to fish, play in the creeks and enjoy the country life their parents wanted for them when they chose to live there. My parents raised me in Axtell. I have lived in Mount Calm for 41 years. We chose the country life for a better atmosphere and environment to raise our children. My granddaughter lives in Mount Calm. I would like the same for her as well. There was no transparency on the part of the City of Waco to even buy and intend to put a landfill in. The residents of Axtell and Mount Calm only found out about it 72 hours before the Waco City Council meeting held on July 31, 2018. How does a so called good neighbor do this to their neighbor. I urge you to decline the City of Waco's request for a permit. At the least a Public Hearing needs to be held so ALL of us with concerns can voice our opinions. Regards, Leslie Gail Souders 518 N Seeley Ave W Mount Calm, TX 76673

TCEQ Public Meeting Form
August 15, 2019

The City of Waco
Municipal Solid Waste Permit
Proposed Permit No. 2400

PLEASE PRINT

Name: Gail ^u Souders

Mailing Address: 518 N Seeley Ave W

Physical Address (if different): _____

City/State: Mt. Carmel TX Zip: 76673

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

Email: aikmanfan76673@yahoo.com

Phone Number: 254-744-4665

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

Please add me to the mailing list.

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

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

(Written comments may be submitted at any time during the meeting)
Please give this form to the person at the information table. Thank you.

mw

Leslie Gail Souders
518 N Seeley Ave W
Mount Calm, TX 76673
254.744.4665

RECEIVED
AUG 15 2019
AT PUBLIC MEETING

August 15, 2019

To Whom It May Concern:

I have lived in the Axtell/Mount Calm area my entire 59.5 years. My family chose to live in a rural community because of the laid back country life, the beautiful scenery and the wonderful support we have for each other. It is extremely disturbing that a large city such as Waco would want to trash up our area, while trying to preserve their own. Only a small portion of the proposed landfill site is even within the boundaries of McLennan County. I was taught to respect my neighbors. I don't believe purchasing land 25-30 miles away from the city limits of Waco is being very neighborly.

My family drives Highway 31 from Mount Calm to Waco every day, twice a day. It is already dangerous enough along that stretch of the highway without adding the burden of trash trucks running up and down the highway all throughout the day. It will be an added risk of more accidents and fatalities. Since April 2019 there have been six fatalities along with numerous non-fatal accidents. Do we really need to add a caravan of trash trucks to an already dangerous and heavily traveled highway?

This past week alone I have taken notice of all the bags of trash that have been picked up by workers and left along the side of Highway 31 for the Highway Department to pick up. Yesterday alone I counted 40 bags between the Y and my home in Mount Calm. That is only eleven miles. How many bags of trash will fall off of the trash trucks on a daily basis? And who will be coming along to pick up said trash? Is the City of Waco going to be fiscally responsible for the upkeep of the highway?

My last concern is the close proximity of the proposed landfill site to three area cemeteries. T.K. Cemetery, Old Mt. Calm Cemetery and Mt. Antioch Cemetery.

msw

No one should have to worry about their loved ones final resting place being surrounded by a trash dump . Because we all know it will happen if the landfill site is allowed to be put on T.K. Parkway. Our nine year old son, Kevin, is buried at Mt. Antioch. The very thought of his final resting place being surrounded by trash brings this Mama to tears.

I plead with you to do the right thing and not allow this landfill to be put in the middle of our beautiful area.

Our motto in Mount Calm is "Easy Living Country Style". This is how we wish to keep it.

Thank you for your time and for listening to my concerns.

Leslie Gail Souders

Leslie Gail Souders

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, September 26, 2018 1:52 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-ELD; PUBCOMMENT-OPIC; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

H

From: Davidastefka@yahoo.com <Davidastefka@yahoo.com>
Sent: Tuesday, September 25, 2018 4:39 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: David Stefka

E-MAIL: Davidastefka@yahoo.com

COMPANY:

ADDRESS: PO BOX 43
AXTELL TX 76624-0043

PHONE: 2545372609

FAX:

COMMENTS: I would like to see a public hearing on the City of Waco Landfill. I am against placing any land fill in the area where lakes and wildlife are abundant.

me

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, September 26, 2018 1:48 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

H

From: luke-stokes@hotmail.com <luke-stokes@hotmail.com>
Sent: Tuesday, September 25, 2018 4:11 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: MR Benjamin Luke Stokes

E-MAIL: luke-stokes@hotmail.com

COMPANY:

ADDRESS: 1553 FRAZIER LN
AXTELL TX 76624-1400

PHONE: 2546400239

FAX:

COMMENTS: My family lives on 23 acres at 1553 Frazier Lane in Axtell, TX. The proposed landfill site would be located about 4 miles from our home. Before the City of Waco purchased the property, I had the previous owner take me on a tour of his 500 acre property. He pointed out that during times of flash flooding, there are many parts of the property that are inaccessible due to the large area that drains through the land into Soil Conservation Lake #19. We rode around the property via ATV and I couldn't help but notice the water ways and the number of Post Oak trees growing on the sandy soil. Once stopped, I then launched my drone to get a better view of the place and was stunned to see the size of

MLW

the forest and the lake that this all drained into. As I left that property, I visited with neighbors who showed me photos of Bald Eagles that were fishing Soil Conservation Lake #20, which is across the road from the proposed landfill site and Lake #19 that the eagles certainly frequent. These bald eagles and other migratory birds fly from these 2 lakes to Tradinghouse Creek Reservoir, located near Halsburg. I know, because I live along this flight path and have witnessed the migration. This daily and seasonal movement of native Texas birds is part of why I am 2 years into the Pasture for Upland Birds (PUB Grant), funded by the Texas Parks and Wildlife Department and the US Fish & Wildlife Service. This grant has allowed us to begin a prairie restoration project on our property, in an attempt to provide a sanctuary for wildlife that has been threatened by habitat loss. The flood waters, that the Corp of Engineers long ago recognized as a problem in this area, will drain through the proposed landfill site, into the creek below it, and carry whatever debris, or toxic runoff, all the way to the Brazos river. Williams Creek, which is a part of that drainage path, is also a major corridor for game movement that come up from the Brazos and out onto our emergent prairie. I have seen mountain lion, bobcat, deer, and even an otter as a result of this natural highway. I have grave concerns of the impact that this proposed landfill will have on not only the Bald Eagles, Sandhill Cranes, and Whooping Cranes that migrate through this area and feed in Soil Conservation Lake #19 and #20, but also for the native animals that will be drinking the runoff from the site. I request a contested case hearing.

TCEQ Public Meeting Form
August 15, 2019

The City of Waco
Municipal Solid Waste Permit
Proposed Permit No. 2400

PLEASE PRINT

Name: Luke Stokes

Mailing Address: 1553 Frazier Ln, Axtell, TX 76624

Physical Address (if different):

City/State: Zip:

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

Email: ~~_____~~

Phone Number: _____

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

If yes, which one? _____

Please add me to the mailing list.

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

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

(Written comments may be submitted at any time during the meeting)
Please give this form to the person at the information table. Thank you.

mw

Marisa Weber

msw
112581

From: PUBCOMMENT-OCC
Sent: Friday, August 16, 2019 11:13 AM
To: PUBCOMMENT-ELD; PUBCOMMENT-OPIC; PUBCOMMENT-OCC2; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

From: luke-stokes@hotmail.com <luke-stokes@hotmail.com>
Sent: Thursday, August 15, 2019 1:47 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME: CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Luke Stokes

E-MAIL: luke-stokes@hotmail.com

COMPANY:

ADDRESS: 1553 FRAZIER LN
AXTELL TX 76624-1662

PHONE: 2546400239

FAX:

COMMENTS: The proposed landfill site would be located about 4 miles from my home. Before the City of Waco purchased the property, I had the previous owner take me on a tour of his 500 acre property. He pointed out that during times of flash flooding, there are many parts of the property that are inaccessible due to the large area that drains through the land into Soil Conservation Lake #19. We rode around the property via ATV and I couldn't help but notice the water ways and the number of Post Oak trees growing on the sandy soil. Once stopped, I then launched my drone to get a better view of the place and was stunned to see the size of the forest and the lake that this all drained into. As I left

msw

that property, I visited with neighbors who showed me photos of Bald Eagles that were fishing Soil Conservation Lake #20, which is across the road from the proposed landfill site and Lake #19 from which the eagles catch fish. While flying my drone over this proposed landfill site from the back of the property, I was forced to quickly land my drone when a bald eagle began approaching my drone. These bald eagles and other migratory birds fly from these 2 lakes to Tradinghouse Creek Reservoir, located near Halsburg. I know, because I live along this flight path and have witnessed the migration. This daily and seasonal movement of native Texas birds is part of why I am 2 years into the Pasture for Upland Birds (PUB Grant), funded by the Texas Parks and Wildlife Department and the US Fish & Wildlife Service. This grant has allowed us to begin a prairie restoration project on our property, in an attempt to provide a sanctuary for wildlife that has been threatened by habitat loss. The flood waters, that the Corp of Engineers long ago recognized as a problem in this area, will drain through the proposed landfill site, into the creek below it, and carry whatever debris, or toxic runoff, all the way to the Brazos river. Williams Creek, which is a part of that drainage path, is also a major corridor for game movement that come up from the Brazos and out onto our emergent prairie. I have seen mountain lion, bobcat, deer, and even an otter as a result of this natural highway. I have grave concerns of the impact that this proposed landfill will have on not only the Bald Eagles, Sandhill Cranes, and Whooping Cranes that migrate through this area and feed in Soil Conservation Lake #19 and #20, but also for the native animals, livestock, and people that will be drinking or interacting with the runoff from the site. Given that the proposed landfill site is in an area prone to major flash flooding, will directly impact the course of the drainage of a large area in 3 counties, destroy and contaminate a natural habit of a forest and a lake, and threaten the health of the community around it, I oppose this landfill location. Luke Stokes 1553 Frazier Lane Axtell, TX 76624 254-640-0239

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 1:52 PM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: rollinbob1959@gmail.com <rollinbob1959@gmail.com>
Sent: Thursday, September 27, 2018 1:43 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Robert R Stone

E-MAIL: rollinbob1959@gmail.com

COMPANY:

ADDRESS: 2013 HIGHWAY 31
AXTELL TX 76624-1520

PHONE: 2543156880

FAX:

COMMENTS: I am Robert Stone, residing @ 2013 SH 31 in Axtell, TX on property that has been in my wife's family since early 1960's and being passed on to the next generation. Please consider my concerns regarding the impact the proposed Waco landfill on TK Parkway may have on my family and community. I have the following concerns regarding the impact of this proposed landfill: •Safety: increased traffic on SH 31. I have grandchildren that will be attending Axtell schools and have to access SH 31 in their route to school •Environment: Possible contamination of our water supply. Potential air quality issues that could have effect on my wife and others in the area with asthma and COPD. Increased

mw

litter on SH 31 which a south wind carries onto our property •Property values: decrease in property values and tax exempt status of property owned by the city of Waco will result in loss of revenue for Axtell ISD •Economic Development: there are current wind power projects in the area and we hope those projects might expand westward that we may benefit from the project on the 565 acres in our family. This project could have a major impact on revenues for Axtell ISD as well As far as I know, the original property in this permit request did not include Hill county Thank you for your consideration of my concerns when making your decision regarding this permit I am requesting a public hearing prior to granting any permit

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, October 11, 2018 10:16 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

From: rollinbob1959@gmail.com <rollinbob1959@gmail.com>
Sent: Wednesday, October 10, 2018 3:24 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Robert Stone

E-MAIL: rollinbob1959@gmail.com

COMPANY:

ADDRESS: 2013 HIGHWAY 31
AXTELL TX 76624-1520

PHONE: 2543156880

FAX:

COMMENTS: It is my understanding that dozers are being moved onto the property. I the City of Waco allowed to start construction of a landfill before permitting is complete? Has an environmental study and historical records study been completed. If not, shouldn't that be done before destruction of property?

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, June 10, 2022 8:57 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

RFR

.....
From: fred.swaner@gmail.com <fred.swaner@gmail.com>
Sent: Thursday, June 9, 2022 4:00 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Fred Swaner

EMAIL: fred.swaner@gmail.com

COMPANY:

**ADDRESS: 4351 T K PKWY
AXTELL TX 76624-1461**

PHONE: 2547090954

FAX:

COMMENTS: I respectfully request reconsider of the application by the City of Waco for a proposed landfill as it inadequately addresses the concerns of: traffic safety (mixing too many commercial trucks onto a designated Farm to Market road), windblown debris (if plastic bags get into my farm hay business I will get sued for death of owners animals), noise pollution (inadequately addressed in permit which will lead to inability to live next door), and dust control. Additionally, the city is desiring to build a large scale operation financed by City of Waco taxpayers using tax

dollars to compete with individual and corporations in the same line of business. It is unfair competition for those companies as they can't financially compete against a tax free municipality.

MSW
112581

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 20, 2018 3:33 PM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

From: fredswaner@aol.com <fredswaner@aol.com>
Sent: Thursday, September 20, 2018 3:33 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Fred L Swaner

E-MAIL: fredswaner@aol.com

COMPANY:

ADDRESS: 4351 T K PKWY
AXTELL TX 76624-1461

PHONE: 2547090954

FAX:

COMMENTS: Now that Limestone County Commissioners Court/County Judge has passed an ordinance forbidding landfills in Limestone county I would expect this application from the City of Waco to be terminated by your group, correct?

msw

msw
112581

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, September 27, 2018 10:34 AM
To: PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 2400

H

From: Susanswaner@gmail.com <Susanswaner@gmail.com>
Sent: Tuesday, September 25, 2018 8:49 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Susan Swaner

E-MAIL: Susanswaner@gmail.com

COMPANY:

ADDRESS: 4351 T K PKWY
AXTELL TX 76624-1461

PHONE: 2547224993

FAX:

COMMENTS: I request a contested hearing regarding permit 2400. I oppose the placing the landfill on 939 and hwy 31. This place is already a hazardous intersection and putting 4-500 huge trucks in this area on a daily basis will only make it more dangerous intersection. Placing the landfill next to the cemetery is disrespectful. This was done underhandedly by secretly hiding the identity of the buyers so that the seller didnt even know he was selling his land for the development of a landfill. This doesn't even address the environmental issues. The pollution, the smell, the rotting trash, more feral

msw

hogs, etc. what about the landfill leaking toxicity into our water system? Please reject the application to put Waco's landfill on this site. Thank you.

TCEQ Public Meeting Form
August 15, 2019

The City of Waco
Municipal Solid Waste Permit
Proposed Permit No. 2400

PLEASE PRINT

Name: Susan Swaner

Mailing Address: 4351 TK Pkwy Axtell, TX 76624

Physical Address (if different): same

City/State: Axtell, TX Zip: 76624

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

Email: Susanswaner@gmail.com

Phone Number: 254-722-4993

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

Please add me to the mailing list.

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

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

(Written comments may be submitted at any time during the meeting)
Please give this form to the person at the information table. Thank you.

22

RECEIVED

AUG 15 2019

AT PUBLIC MEETING

~~From: Fred Swaner~~

Sent: Thursday, August 15, 2019 6:36 PM

To: f2fast4u

Subject: Susan Swaner questions

- Why is the City of Waco claiming it needs a new landfill when it took it's current one and sold it out to outside City users?
- Why is the City of Waco allowed to illegally run a for-profit business that openly, directly, competes with legal tax paying companies in the same market place?
- Per the Mayor Waco "we have other options, *but we don't want to lose control*". Control of the market using tax sheltered dollars.
- What efforts have the City of Waco or McLennan county made to reduce overfill trash volume? There are no city or county bans on any types of plastic.
- Isn't it ironic that the City of Waco sued the upstream dairy farmers for pollution of the City's lake and now the City of Waco has admitted they fill pollute the downstream lake of the newly proposed landfill (US Army Corps of Engineer, Fort Worth District, project No: SWF-2017-00047, dated July 17, 2019) Same situation, same player (City of Waco) but role reversed – now they think that's okay?
- Per the Corp Report the City looked into alternatives methods vs. burying but didn't like the results BUT that was in 2010. A lot has changed since then, time to refresh.
- Consider the sheer volume of paper boxes that Amazon alone has flooded the state with. Do you merely bury those?
- To no one's knowledge no outside bird or wildlife habitation was looked at onsite, but merely via helicopter.
- The City relies upon the consultants (all the City work is contracted out) but who verifies? The only thing we've seen consistently is that no one in the City tells the truth.
- The previous land owners, David and Lori were mortified at the last minute that the City was the hidden buyer. They were lied to for a year that a group of attorneys were buying the off road motorcycle ranch to expand it's usage. When they found this out they were threatened with a lawsuit if they backed out.
-

Sent from Mail for Windows 10

MSW

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, September 26, 2018 2:28 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

H

From: kstennison@sbcglobal.net <kstennison@sbcglobal.net>
Sent: Tuesday, September 25, 2018 8:01 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Keven Tennison

E-MAIL: kstennison@sbcglobal.net

COMPANY:

ADDRESS: 4081 E OLD AXTELL RD
AXTELL TX 76624-1218

PHONE: 2542890246

FAX:

COMMENTS: Need a hearing to voice our opinion on the proposed landfill.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, September 26, 2018 1:14 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

H

From: vtierce@yahoo.com <vtierce@yahoo.com>
Sent: Tuesday, September 25, 2018 3:12 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: Virginia Tierce

E-MAIL: vtierce@yahoo.com

COMPANY:

ADDRESS: 376 WOOD ST
AXTELL TX 76624-1232

PHONE: 2548635272

FAX:

COMMENTS: I request a hearing

11/22/21

James Trayler
20 Walkers Crossing
Waco, TX 76705
254-722-6060

CITY OF WACO
2021 NOV 29 PM 2:30
CHIEF CLERKS OFFICE

MSW
112581

REVIEWED

DEC 01 2021 H
By Gcw

To: Texas Commission on Environmental Quality (TCEQ)
Office of the Chief Clerk,
MC-105, P.O. Box 13087
Austin, TX 78711-3087

Re: City of Waco – Application/Permit #2400 Type I Municipal Solid Waste (MSW) landfill.
Proposed to be located at 4730 T K Parkway, Axtell 76624 in McLennan and Limestone
Counties, Texas. Comments and request for a contested hearing.

To Whom It May Concern:

My wife and I (James and Lois Trayler) own the following properties near and contiguous with
City of Waco (COW)'s proposed property under consideration for solid waste disposal facility
site:

1. LCR 112 Property ID R3081 – 324.54 acres, Limestone County, TX
2. LCR 112 Property ID R3102 – 20.3 acres, Limestone County, TX
3. LCR 112 Property ID R3082 – 14.38 acres, Limestone County, TX
4. LCR 112 Property ID R115836 – 5.5 acres, Limestone County, TX

The property purchased by the City of Waco for it's proposed MSW landfill adjoins our
property's North and West boundaries. Furthermore, the proposed active waste disposal's
burial footprint, as depicted on Application/Permit #2400, is only a few feet from our property
line.

Approval of MSW #2400 will allow for the subsequent construction and operation of a MSW
facility which, in turn, will result in various parties suffering negative impact and damages.
Please allow this letter to serve as a formal request for a contested case hearing regarding the
City of Waco's application #2400. In addition to the community at large, MSW #2400 will be
particularly damaging to the safe and uninterrupted enjoyment of our own property. Therefore,
a contested case hearing is requested on behalf of both the S.A.F.E. (Axtell, TX) organization
and the Trayler's (20 Walkers Crossing, Waco, TX) as individuals owning property adjoining the
proposed MSW #2400 landfill. These reasons include but are not limited to the following:

1. Increased Traffic on Unsuitable Roads
2. Uniquely Hazardous Traffic on Unsuitable Roads

3. Ground water and/or surface water contamination due to the potential of latent construction defects in waste burial containment liner system.
4. Ground water and/or surface water contamination due to the potential for ground movement and/or degradation, over time, of liner system post construction.
5. Ground water and/or surface water contamination undetected due to potential of toxic leachate bypass of detection wells.
6. Methane gas discharge risks/hazards
7. Breathable air pollutants/odors resulting from waste dumping.
8. Proximity of waste dumping to Conservation Reservoir #19 associated waterways.
9. Proximity of waste dumping to Conservation Lake #19 and resulting potential for water contamination.
10. Proximity of construction and subsequent waste dumping to Conservation Lake #19 in regard to the potential for Flooding.
11. Proximity of waste dumping to Upstream Lake Tributaries.
12. Proximity of waste dumping to delineated flood plain areas.
13. Mass deforestation and resulting potential for private/public flooding.
14. Placement of massive impervious liner/layer system, altering the natural volume/accumulation and water outflow onto lower property.
15. Diversion or impoundment of the natural flow of surface waters in a manner that materially changes or damages property of another by the overflow of the water diverted or impounded.
16. Adversely causing wildlife displacement.
17. Adversely causing behavioral change in existing wildlife.
18. Industrial Noise/Smell pollution of rural life setting.
19. Adversely affecting the safety of Owner's pre-existing aviation activities in the operation and management of Owner's property.
20. Adversely affecting Owner's use and enjoyment of property as an established nature retreat for youth groups.
21. Depreciation of Trayler properties market value.
22. Siting in Axtell MSW #2400 is inferior to viable alternative.

City of Waco's solid waste disposal land siting affects our family with issues to a greater extent than the general public. Additionally, such siting carries inherent hazardous risks to our family; to such a degree, these risks will be uniquely damaging to our property and quality of life. Additionally, our usual and normal enjoyment of these properties will be adversely affected. See below for limited discussion of a few items previously listed.

1) Flood Plain

Permit application #2400 identifies 502 acres of which, according to FEMA maps, a large portion falls in the 100-year flood plain. MSW #2400 reveals major portions of the active waste disposal boundaries at or against flood plain perimeters. Additionally, the

dig-out and trash dumping will most likely originate at a burial location well below flood saturation levels.

Furthermore, implementation of the waste disposal plan described in MSW #2400, carries great risks to increased water shedding and lake inflow waterway flooding. Therefore, any waste burial and dumping, at this particular location, will create the potential for ground water and surface water contamination for our properties.

2) Mature Forest Clearing and Subsequent Flooding Potential

MSW #2400 shows delineation graphics of East and West disposal boundaries. The dig out will necessitate clearing of approximately 100 acres of mature forest. This mass deforestation will increase flood level potential absent soil and root system water absorption. Furthermore, the absorptive values of soil, vegetation and foliage is proposed to be replaced with a non-absorptive, 175.7 acre, covering over the entombed waste disposal areas. This large, multi-acre non-absorptive cover is designed to be impervious to water and will increase watershed into Conservation Lake #19, potentially raising flood levels in excess of those shown on maps provided with application #2400. Furthermore, Conservation Reservoir Site #19 was developed and built in 1965 and has an age of 56 years. In a study and subsequent report completed in 2013 regarding Natural Resources Conservation Services (NRCS)-designed flood-retarding structures in Texas, the authors make the following statement: *"Prior to 1966, NRCS flood-retarding structures were generally constructed with a sediment pool volume equal to that of the estimated sediment accumulation in 50 years. After 1966, the requirement became that the sediment pool volume be equal to that of the estimated sediment accumulation in 100 years. Currently, the average age of all of the NRCS-designed structures in Texas is approximately 44 years, and many of these structures have already reached their design life (over one-fourth were constructed prior to 1963). There is much uncertainty about the actual amount of sediment accumulated in the structures."* (Evaluation of Natural Resources Conservation Services Flood and Sediment Control Structure Conditions to Better Estimate Erosion Rate – Report dated May 2013, prepared by: URS Corporation Texas Firm No. F3162 9400 Amberglen Blvd. Austin, TX 78729 in collaboration with: Dr. Peter Allen and Dr. John Dunbar Baylor University and: Dr. Raghavan Srinivasan Texas A&M University, p1)

Conservation Reservoir Site 19 was built in 1965 and has exceeded it's apparent useful life design of 50 years. As a property owner adjacent to site 19, I have boated the entire surface of this lake, taking water depth measurements at multiple locations. I also have a copy of the "as-built" drawings for site 19 soil conservation reservoir and water control structures. I can confirm site 19 has sediment deposits beyond the design limitations shown on the as-built drawings.

Based on these facts, it is logical to conclude that the upstream development described in MSW #2400, will, in and of itself, create flooding potential in excess of the current

flood maps proffered in the application to TCEQ for land use determination and permitting.

Now, with the City of Waco's proposed multi-acre development and subsequent increased water shed immediately upstream, the antiquated water control structures, including its earthen dam, will be further compromised into possible failure with the potential for catastrophic consequences.

3) At Risk Earthen Dam

Conservation Lake Site #19 has 56-year-old water control structures, plus an "at risk" earthen dam structure. City of Waco's MSW #2400 permit application to TCEQ outlines upstream development to include non-absorptive cover, replacing, soil, vegetation and deforestation. In a 2004 study of developmental impact on dams within the NRSC soil conservation program, the authors state the following: *"The second problem which commonly arises is when development occurs upstream of a dam. This development increases runoff in the watershed and, subsequently, inflows to the lake. Because the dam structure was designed for existing conditions, primarily undeveloped agricultural land, it may be undersized and unable to control fully developed inflows. For example, a structure designed for the 100-year existing flow in the 1950's may now be overtopped by the 10-year or 25-year flood under current conditions. As these increased inflows occur, the outlet structure and emergency spillway of the dam can become damaged creating greater maintenance needs. Also, and of greater importance, increased flows create a greater chance of the embankment overtopping, which is the primary cause of most dam breaches."* (Low Hazard to High Hazard – Development's Impact on Dams - Michael D. Wayts, P.E., CFM1, James D. Keith, E.I.T., CFM1 Ronnie Skala, P.E., CFM2 – Freese & Nichols, Inc. p6)

I personally witnessed 2015-2016 flood levels which came close to overtopping the current dam structure. Given the City of Waco's newly planned upstream development, and the event of "probable maximum precipitation" creating "probable maximum flooding" and, based on the most severe weather and water conditions reasonably possible; flooding and overtopping is a foreboding reality affecting myself, my family and multiple neighbors.

4) Common Waterways

Again, our property is contiguous with the 502 acres for which the City of Waco submitted a solid waste permit application to TCEQ. Upstream tributaries to the lake, flow through both properties. Both properties share common waterways. The proposed site is rare, in that, of all possible waste disposal land siting's, this property lies in the convergence zone of multiple upstream tributaries into Soil Conservation Lake Site 19. Making matters worse, is the fact that the City of Waco's property is contiguous

with the lake/waterways and application #2400 shows active waste disposal/burial boundaries proposed a relatively short distance from the shore line. Furthermore, according to MSW #2400, the proposed waste burial will occur below flooding levels; below ground saturation levels; and, most likely, below lake/stream water levels. Therefore, any potential waste contaminated surface water; groundwater or underground discharge will flow through common waterways, directly contaminating our property; our livestock; and potentially, our family.

5) Helicopter Operations

I have owned and operated a turbine helicopter (Bell 206 B3) at this location for the past twelve years. Again, our property is contiguous with the City of Waco's property, to the North and West, for which the City recently purchased and made application for a MSW permit #2400. I continue to raise concerns regarding the solid waste disposal land siting under application, and the resulting attraction of myriad bird activities. Prevailing winds dictate the direction of my flight approach path into my property. Thus, on many occasions the flight path into my property will necessarily be directly over the waste burial zones depicted on MSW #2400 application. I also fly the perimeters of my property, checking fences and cattle. This too puts me directly over the waste burial zones.

Given the erratic nature of bird flight and the circular bird flight tower columns common to solid waste landfills, I am concerned that placing a solid waste disposal facility at such near proximity to my property, presents a serious flight hazard due to bird strike risks and/or turbine engine ingestion.

Consider an excerpt from the following aviation publication/regulation:

"Aeronautical Information Manual (AIM)

7-4-2. Reducing Bird Strike Risks.

- a. The most serious strikes are those involving ingestion into an engine (turboprops and turbine jet engines) or windshield strikes. These strikes can result in emergency situations requiring prompt action by the pilot.**
- b. Engine ingestions may result in sudden loss of power or engine failure."**

Again, my helicopter operations in support of the management of these properties pre-existed any approval of MSW #2400 by at least twelve years. Therefore, final approval of application #2400 will adversely disrupt or entirely cause the cessation these activities which have been established many years prior.

6) Youth - Nature Retreat

For many years, I have allowed supervised youth groups to use my property for a nature retreat, to include; recreational fishing, swimming, kayaking, and various other outdoor sports activities. Additionally, once a year we conduct a week-long Church Youth Camp with about 150 in attendance. Daily activities include fishing, swimming and kayaking in Soil Conservation Lake #19 and the many waterways that are interconnected with my property; the subject property, and the lake.

Allowing a municipal solid waste facility to be placed in such close proximity to our property, and at ground zero of the confluence of waterways, is at best, an existential threat to long time, pre-existing activities, and at worst, an outright danger. In either case, a waste facility land siting is ill-suited to operate in close sensorial proximity to children at a nature retreat, and therefore, is incompatible land use for which a permit application should be denied.

7) Depreciation of Land Value

We purchased this property in 2009. From the time of purchase until now, I have put in over a mile of gravel base road; a concrete bridge over Williams creek; built a 15 acre lake; constructed boat ramps in both the 15 acre lake and Lake Reservoir 19, etc, etc; in aggregate, a huge investment in infrastructure, plus the original purchase price. No determination of land use compatibility should be made without consideration that in the case of this special developed land, my property market values will plummet with the City of Waco's siting of a solid waste disposal facility contiguous with our substantially improved property.

8) City of Waco's Record

The City of Waco has breached any reasonable standard of good faith and fair dealing with the affected community and neighboring property Owners by withholding their siting location from the public eye long after they signed a binding contract for the site under application. Had the City of Waco consulted with the local public, most likely they could have avoided making one of the worst waste disposal land siting choices in McLennan/Limestone Counties. Furthermore, in TCEQ's own written instructions for landfill applications, they recommend that applicants for solid waste disposal facilities engage the affected communities **prior** to any application submission. Instead, the media and the public were misled regarding land purchase and development purpose while the City of Waco secretly pursued siting and permit application. The fall-out has been legitimate with extremely vocal concerns from hundreds and hundreds of citizens living in the rural communities affected by their choice of land siting. My damages as an adjoining Land Owner most likely will be proven to be extensive.

Therefore, any future claims of proper construction; proper maintenance; proper operation; transparency; good faith and fair dealing, proffered in the City of Waco's official statements stand in stark contrast to their previous actions, and are overshadowed by contra-historical facts.

9) Siting in Axtell MSW #2400 is inferior to viable alternatives.

4730 T K Parkway, Axtell, TX 76624, is not City of Waco's best site for solid waste disposal. For several years the City of Waco has owned close to 300 acres located along HWY 84. This acreage is in close proximity to their current landfill. It is my understanding that the City of Waco originally purchased this property for the purpose of solid waste disposal because it was suitable and does not have many of the inherent issues cited previously.

I believe TCEQ could/should deny a landfill application if the applicant has an alternative site which is better suited. MSW #2400 requests approval for long distance waste dumping in it's land siting for a solid waste facility 24.4 miles away from the City of Waco's current landfill. (Google maps) Their alternative site on HWY 84 is adjacent to their current site and would mitigate travel times along with traffic safety concerns; and was ostensibly purchased for the express purpose of enlarging their current landfill.

It is also my understanding that the City of Waco continues to purposefully hold possession of it's first choice, HWY 84 property, for possible solid waste disposal siting. It is our hope that, in the best interest of the rural public safety, TCEQ recognizes the site under application #2400 (located 4730 T K Parkway) to be ill-suited for municipal solid waste disposal. Especially while the City of Waco continues to purposefully possess, within it's own city limits, an adequate property adjacent to it's own current landfill, better suited for waste disposal.

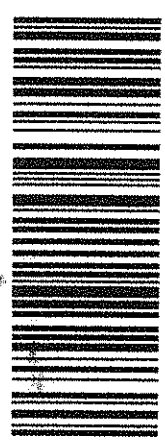
Respectfully,



James Trayler
Property Owner

DELIVERED MAIL

James Taylor
20 Walkers Crossing
Waco, TX 76705



7020 3160 0001 9692 7520



U.S. POSTAGE PAID
FCM LETTER
WACO, TX
76702
NOV 22, 21
AMOUNT
\$7.58
R2304E107823-25



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NOV 29 PM 2:30

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC-105, P.O. Box 13087
Austin, TX 78711-3087

NOV 29 2021

TCEQ MAIL CENTER
JH



REVIEWED

OCT 16 2018 PM 4

By [Signature]

MSW
112581

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2018 OCT 15 PM 2:55
CHIEF CLERK'S OFFICE

10/11/2018

James Trayler
20 Walkers Crossing
Waco, TX 76705
254-722-6060

To: Texas Commission on Environmental Quality (TCEQ)
Office of the Chief Clerk,
MC-105, P.O. Box 13087
Austin, TX 78711-3087

Re: City of Waco – Application/Permit #2400 Type I Municipal Solid Waste (MSW) landfill – Application Parts I&II (land use only) determined administratively complete September 14, 2018 - Proposed to be located at 4730 T K Parkway, Axtell 76624 in McLennan and Limestone Counties, Texas.

Dear Sir or Madam:

My wife and I (James and Lois Trayler) own the following properties near and/or contiguous with City of Waco (COW)'s proposed property under consideration for solid waste disposal facility site:

1. LCR 112 Property ID R3081 – 324.54 acres, Limestone County, TX
2. LCR 112 Property ID R3102 – 20.3 acres, Limestone County, TX
3. LCR 112 Property ID R3082 – 14.38 acres, Limestone County, TX
4. LCR 112 Property ID R115836 – 5.5 acres, Limestone County, TX

The disposal boundary depicted on Application/Permit #2400 is approximately 100-200 feet from our property line.

Note: As of the date of this writing, we are not in receipt of a notice from TCEQ, albeit, our property is contiguous with COW's proposed waste facility, with the disposal zone boundary, depicted in the application, shown to be just a few hundred feet away from our property line. I only recently found TCEQ's notice online regarding public comment and/or the opportunity to request a Contested Case Hearing. This letter is in immediate response to that chance finding.

Please be advised that we request a **Public Meeting** regarding COW's application #2400 Parts I&II, for determination of land use compatibility. A public meeting is requested for several reasons. These reasons include but are not limited to the following:

1. Increased Traffic on Unsuitable Roads
2. Uniquely Hazardous Traffic on Unsuitable Roads
3. Proximity of solid waste burial over the Trinity Aquifer.

[Handwritten mark]

4. Ground water/surface water contamination due to the potential of latent construction defects in waste burial containment liner system.
5. Ground water/surface water contamination due to the potential for ground movement and/or degradation of liner system post construction.
6. Ground water/surface water contamination undetected due to potential of toxic leachate bypass of detection wells.
7. Methane gas discharge risks/hazards
8. Breathable air pollutants/odors resulting from waste dumping.
9. Proximity of waste dumping to public space (Cemetery – Reservoir #19 & associated waterways)
10. Proximity of waste dumping to Conservation Lake #19 and resulting potential for ground water contamination.
11. Proximity of waste dumping to Conservation Lake #19 and resulting potential for Public Flooding.
12. Proximity of waste dumping to Upstream Lake Tributaries.
13. Proximity of waste dumping to delineated flood plain areas.
14. Mass deforestation and resulting potential for public flooding.
15. Wildlife displacement.
16. Noise pollution of rural life setting.

In addition to a public meeting, we also request a **Contested Case Hearing** on COW's application #2400 Parts I&II for determination of land use compatibility. This property is ill-suited for solid waste disposal due to its close proximity to Soil Conservation Lake #19 and converging waterways; all of which are shared by our property.

City of Waco's solid waste disposal land siting affects our family with issues to a greater extent than the general public. Additionally, such siting carries inherent hazardous risks to our family, to such a degree, these risks will uniquely affect our property and quality of life. These hazardous risks include but are not limited to the following:

1) Flood Plain

COW's permit application #2400 identifies 502 acres of which, according to FEMA maps, a large portion falls in the 100 year flood plain. COW's application reveals major portions of the active waste disposal boundaries, at or against, flood plain perimeters. Additionally, the dig-out and trash dumping will most likely originate at a burial location well below flood saturation levels.

Furthermore, implementation of the waste disposal plan described in COW's application #2400, will increase water shedding and lake inflow waterway flooding. Therefore, any waste burial and dumping, at this particular location, will create the potential for ground water and surface water contamination for both COW's property and my properties.

2) Mature Forest Clearing and Subsequent Flooding Potential

COW's permit application shows delineation graphics of East and West disposal boundaries. The dig out will necessitate clearing of approximately 100 acres of mature forest. This mass deforestation will increase flood level potential absent soil and root system water absorption. Furthermore, the absorptive values of soil, vegetation and foliage is proposed to be replaced with a non-absorptive, 175.7 acre, covering over the entombed waste disposal areas. This large, multi-acre non-absorptive cover is designed to be impervious to water and will increase watershed into Conservation Lake #19, potentially raising flood levels in excess of those shown on maps provided by COW on application #2400. Furthermore, Conservation Reservoir Site #19 was developed and built in 1965 and has an age of 53 years. In a study and subsequent report completed in 2013 regarding Natural Resources Conservation Services (NRCS)-designed flood-retarding structures in Texas, the authors make the following statement: *"Prior to 1966, NRCS flood-retarding structures were generally constructed with a sediment pool volume equal to that of the estimated sediment accumulation in 50 years. After 1966, the requirement became that the sediment pool volume be equal to that of the estimated sediment accumulation in 100 years. Currently, the average age of all of the NRCS-designed structures in Texas is approximately 44 years, and many of these structures have already reached their design life (over one-fourth were constructed prior to 1963). There is much uncertainty about the actual amount of sediment accumulated in the structures."* (Evaluation of Natural Resources Conservation Services Flood and Sediment Control Structure Conditions to Better Estimate Erosion Rate – Report dated May 2013, prepared by: URS Corporation Texas Firm No. F3162 9400 Amberglen Blvd. Austin, TX 78729 in collaboration with: Dr. Peter Allen and Dr. John Dunbar Baylor University and: Dr. Raghavan Srinivasan Texas A&M University, p1)

Conservation Reservoir Site 19 was built in 1965 and has exceeded it's apparent useful life design of 50 years. As a property owner adjacent to site 19, I have boated the entire surface of this lake, taking water depth measurements at multiple locations. I also have a copy of the "as-built" drawings for site 19 soil conservation reservoir and water control structures. I can confirm site 19 has sediment deposits beyond the design limitations shown on the as-built drawings.

Based on these facts, it is logical to conclude that the upstream development described in COW's permit application #2400, will in and of itself, create flooding potential in excess of the current flood maps proffered in it's application to TCEQ for land use determination and permitting.

Now, with COW's proposed multi-acre development and subsequent increased water shed, immediately upstream, the antiquated water control structures, including it's earthen dam, will be further compromised into possible failure with the potential for catastrophic consequences.

3) At Risk Earthen Dam

Conservation Lake Site #19 has 53 year old water control structures, plus an "at risk" earthen dam structure. COW's landfill permit application to TCEQ outlines upstream development to include non-absorptive cover, replacing, soil, vegetation and deforestation. In a 2004 study of developmental impact on dams within the NRSC soil conservation program, the author/s state the following: *"The second problem which commonly arises is when development occurs upstream of a dam. This development increases runoff in the watershed and, subsequently, inflows to the lake. Because the dam structure was designed for existing conditions, primarily undeveloped agricultural land, it may be undersized and unable to control fully developed inflows. For example, a structure designed for the 100-year existing flow in the 1950's may now be overtopped by the 10-year or 25-year flood under current conditions. As these increased inflows occur, the outlet structure and emergency spillway of the dam can become damaged creating greater maintenance needs. Also, and of greater importance, increased flows create a greater chance of the embankment overtopping, which is the primary cause of most dam breaches."* (Low Hazard to High Hazard – Development's Impact on Dams - Michael D. Wayts, P.E., CFM1 , James D. Keith, E.I.T., CFM1 Ronnie Skala, P.E., CFM2 – Freese & Nichols, Inc. p6)

I personally witnessed 2015-2016 flood levels which came close to overtopping the current dam structure. Given COW's newly planned upstream development, and the event of "probable maximum precipitation" creating "probable maximum flooding" and, based on the most severe weather and water conditions reasonably possible, flooding and overtopping is a foreboding reality affecting myself, my family and multiple neighbors.

4) Common Waterways

Again, our property is contiguous with the 502 acres for which COW submitted a solid waste permit application to TCEQ. Upstream tributaries to the lake, flow through both properties. Both properties share common waterways. In COW's rush to secretly push through a land siting for a solid waste burial disposal operation, they chose one of the worst locations in Limestone/McLennan Counties. Their proposed site is rare, in that, of all possible waste disposal land siting's, this property lies in the convergence zone of multiple upstream tributaries into Soil Conservation Lake Site 19. Making matters worse, is the fact that COW's property is contiguous with the lake/waterways and application #2400 shows waste disposal boundaries proposed a relatively short distance from the shore line/s. Furthermore, COW's proposed waste burial will occur below flooding levels; below ground saturation levels; and, most likely, below lake/stream water levels. Therefore, any potential waste contaminated surface water; groundwater or underground discharge will flow through common waterways, directly contaminating our property; our livestock; and potentially, our family.

5) Limestone County Opposition/Ordinance and Hazardous Risks Acknowledgement

a) To further illustrate the local public and governmentally recognized ill-use of this property to serve the City of Waco for solid waste disposal, consider the following:

- On August 14, 2018, and prior to the completeness of COW's land use compatibility determination application (Part I&II), Limestone County Commissioners held a meeting in which Limestone County residents and all interested parties were allowed to make public comments regarding COW's siting of a proposed solid waste disposal facility on 502 acres, of which the majority is located in Limestone county. After hearing from concerned citizens regarding potential flooding, the near proximity of the lake, potential ground/surface water contamination and the nearness of a cemetery, along with traffic concerns, the commissioners voted unanimously to approve a resolution opposing COW's plan to place a solid waste disposal facility that would include COW's siting location in their county. This public hearing and subsequent passage of a County resolution in opposition to the 502 acres being used as the City of Waco's solid waste disposal facility, was highly publicized in the major news mediums available to the public, including TCEQ.
- At the September 5, 2018 commissioner's meeting: Limestone County Commissioners possessed a drafted ordinance prohibiting landfill siting within their jurisdiction other than areas designated by the County. Again, Limestone County residents and other interested parties lodged public comments, at this meeting, against COW's proposed solid waste dump location, siting safety and land use compatibility concerns. Many additional issues were raised and the concerns from the commissioner's meeting of August 14 were re-iterated. Passage of the ordinance was then scheduled for the Commissioner's September 11, 2018 meeting. (Notices - Mexia News 9/1/18, 9/5/18, 9/8/18, 9/15/19, 9/19/18)
- At Limestone County Commissioner's meeting of September 11, 2018 and prior to the completeness of COW's land use compatibility determination application, (Parts I&II) Limestone County Commissioners unanimously voted to approve the ordinance developed and displayed at the September 5 meeting, which prohibits solid waste disposal siting beyond areas designated by the County. (Notices – The Mexia News 9/1/18, 9/5/18, 9/8/18, 9/15/19, 9/19/18)

- On September 20, 2018, Limestone County Commissioners unanimously voted to ratify the previously approved ordinance prohibiting solid waste disposal siting beyond designated areas.

6) Green Energy Wind Turbine/s

On April 11, 2017, my wife and I entered into lease contract with Nextera, and assigns, to place green energy wind turbine/s on our property. The lease was signed with the understanding that the placement of wind turbine/s were imminent, except for the option clause which allows retraction due to any development or determination having an adverse effect on the siting and operation of wind turbines on our property. I believe the near proximity of COW's proposed solid waste disposal facility and subsequent bird congestion and circular bird flight towers, common to solid waste landfills, will be determined by the Owner/Operator to stimulate substantial interference in the operation of wind turbines.

If the City of Waco is permitted to place a bird attracting waste disposal facility next to our property, most likely the wind turbine grid will shift to the East, causing the Project Operator to option out of our property and vacate the, heretofore, agreed upon benefits. While these contract leased benefits are substantial, they are now subject to potential cancellation, pending a land use determination by TCEQ, in favor of the City of Waco which allows a later contradictory development by COW to adversely affect our prior contractual agreement with Nextera and assigns.

7) Helicopter Operations

I have owned and operated a turbine helicopter (Bell 206 B3 - Jetranger) at this location for the past nine years. Again, our property is contiguous with COW's property for which it has applied for a land use compatibility determination (Parts I&II) from TCEQ. I have strong concerns regarding the solid waste disposal land siting under application, and the resulting attraction of myriad bird activities. When the winds are from the South and/or East, my flight path into my property is, necessarily, directly over the waste burial zones depicted on COW's land use compatibility determination application. I also fly the perimeters of my property, checking fences and cattle. Given the erratic nature of bird flight and the circular bird flight tower columns common to solid waste landfills, I am concerned that placing a solid waste disposal facility at such near proximity to my property, presents a serious flight hazard due to bird strike risks and/or turbine engine ingestion.

Consider an excerpt from the following aviation publication/regulation:

"Aeronautical Information Manual (AIM)

7-4-2. Reducing Bird Strike Risks.

- a. The most serious strikes are those involving ingestion into an engine (turboprops and turbine jet engines) or windshield strikes. These strikes can result in emergency situations requiring prompt action by the pilot.
- b. Engine ingestions may result in sudden loss of power or engine failure."

TCEQ has been requested by COW to make a waste disposal land use/compatibility determination for their application #2400. I implore TCEQ to consider the current use of my property and not approve an application for contradictory and incompatible activity/operations which endanger, long time, pre-existing helicopter activities.

8) Youth - Nature Retreat

For many years, I have allowed supervised youth groups to use my property for a nature retreat, to include; recreational fishing, swimming, kayaking, and various other outdoor sports activities. Additionally, once a year our son Jason conducts a week long Church Youth Camp with about 150 in attendance. Daily activities include fishing, swimming and kayaking in Soil Conservation Lake #19 and the many waterways that are interconnected with my property; the subject property, and the lake.

Allowing a municipal solid waste facility to be placed in such close proximity to our property, and at ground zero of the confluence of waterways, is at best, an existential threat to long time, pre-existing activities, and at worst, an outright danger. In either case, a waste facility land siting is ill-suited to operate in close sensorial proximity to children at a nature retreat, and therefore, is incompatible land use for which a permit application should be denied.

9) Depreciation of Land Value

We purchased this property in 2009. From the time of purchase until now, I have put in over a mile of gravel base road, a concrete bridge over Williams creek, built a 15 acre lake, boat ramps in both the 15 acre lake and Lake Reservoir 19, etc, etc, in aggregate, an infrastructure worth over seven figures, plus the purchase price. No determination of land use compatibility should be made without consideration that in the case of this special developed land, my property values will plummet with the City of Waco's siting of a solid waste disposal facility contiguous with our substantially improved property.

10) City of Waco's Record

The City of Waco has breached any reasonable standard of good faith and fair dealing with the affected community/s by withholding their siting location from the public eye long after they signed a binding contract for the site under application. Had the City of

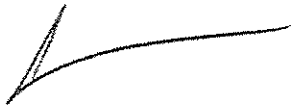
Waco consulted with the local public, most likely they could have avoided making one of the worst waste disposal land siting choices in McLennan/Limestone Counties. Furthermore, TCEQ recommends that applicants for solid waste disposal facilities engage the affected communities prior to application submission. Instead, COW mislead the media and the public until the latest possible minute of the 11th hour and then rushed through with "panic siting" in the face of legitimate and extremely vocal concerns from hundreds and hundreds of citizens living in the rural communities affected by their choice of land siting.

Therefore, any claims of proper construction; proper maintenance; proper operation; transparency; good faith and fair dealing, proffered in COW's permit application stand in stark contrast to COW's previous actions, and in the clear light of contra-historical facts.

Finally, 4730 T K Parkway, Axtell, TX 76624, is not COW's best site for solid waste disposal. For several years COW has owned close to 300 acres located along HWY 84. This acreage is in close proximity to their current landfill. COW originally purchased this property for the purpose of solid waste disposal because it was suitable and does not have many of the inherent issues cited above. This was a good and practical choice by COW. However, when faced with political headwinds, COW abandoned their well suited and practical waste facility land siting choice for an alternate land siting 24.4 miles away in Axtell, TX. (Google maps) Their alternate choice is both impractical and ill-suited for solid waste disposal.

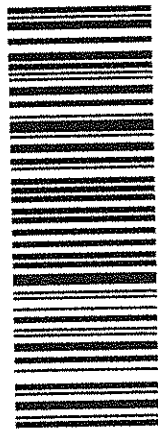
COW continues to hold possession of it's first choice, HWY 84 property, for possible solid waste disposal siting. It is our hope that, in the interest of the local public, and the safety of our family, TCEQ recognizes the alternate site under application (located 4730 T K Parkway) to be ill-suited for municipal solid waste disposal.

Respectfully,

A handwritten signature in black ink, appearing to read 'James Trayler', with a long horizontal stroke extending to the right.

James Trayler
Property Owner

James Traylor
20 Walkers Crossing
Waco, TX 76705



7018 0680 0001 3012 9518

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2018 OCT 15 PM 2:46

CHIEF CLERK'S OFFICE

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Texas Commission on Environmental Quality
Office of the Chief Clerk
MC-105, PO Box 13087
Austin, TX 78711-3087

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JR

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76702
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\$6.91
R2304E105278-03



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msw
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Marisa Weber

From: PUBCOMMENT-OCC
Sent: Friday, October 12, 2018 2:55 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-ELD; PUBCOMMENT-OPIC; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400
Attachments: Letter to TCEQ 10-11-181.pdf

H
PM

From: james@qualitybrickworks.com <james@qualitybrickworks.com>
Sent: Thursday, October 11, 2018 9:51 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: James Trayler

E-MAIL: james@qualitybrickworks.com

COMPANY:

ADDRESS: 20 WALKERS XING
WACO TX 76705-4006

PHONE: 2547226060

FAX:

COMMENTS: I have placed a letter on file by attaching a pdf below. This letter contains my comments and two requests. One for a Public Meeting and the other for a Contested Case Hearing. This letter was also mailed to: Office of the Chief Clerk, MC 105, TCEQ, PO Box 13087, Austin, TX 78711-3087. Thank you for your consideration. James Trayler

msw

10/11/2018

James Trayler
20 Walkers Crossing
Waco, TX 76705
254-722-6060

To: Texas Commission on Environmental Quality (TCEQ)
Office of the Chief Clerk,
MC-105, P.O. Box 13087
Austin, TX 78711-3087

Re: City of Waco – Application/Permit #2400 Type I Municipal Solid Waste (MSW) landfill – Application Parts I&II (land use only) determined administratively complete September 14, 2018 - Proposed to be located at 4730 T K Parkway, Axtell 76624 in McLennan and Limestone Counties, Texas.

Dear Sir or Madam:

My wife and I (James and Lois Trayler) own the following properties near and/or contiguous with City of Waco (COW)'s proposed property under consideration for solid waste disposal facility site:

1. LCR 112 Property ID R3081 – 324.54 acres, Limestone County, TX
2. LCR 112 Property ID R3102 – 20.3 acres, Limestone County, TX
3. LCR 112 Property ID R3082 – 14.38 acres, Limestone County, TX
4. LCR 112 Property ID R115836 – 5.5 acres, Limestone County, TX

The disposal boundary depicted on Application/Permit #2400 is approximately 100-200 feet from our property line.

Note: As of the date of this writing, we are not in receipt of a notice from TCEQ, albeit, our property is contiguous with COW's proposed waste facility, with the disposal zone boundary, depicted in the application, shown to be just a few hundred feet away from our property line. I only recently found TCEQ's notice online regarding public comment and/or the opportunity to request a Contested Case Hearing. This letter is in immediate response to that chance finding.

Please be advised that we request a **Public Meeting** regarding COW's application #2400 Parts I&II, for determination of land use compatibility. A public meeting is requested for several reasons. These reasons include but are not limited to the following:

1. Increased Traffic on Unsuitable Roads
2. Uniquely Hazardous Traffic on Unsuitable Roads
3. Proximity of solid waste burial over the Trinity Aquifer.

4. Ground water/surface water contamination due to the potential of latent construction defects in waste burial containment liner system.
5. Ground water/surface water contamination due to the potential for ground movement and/or degradation of liner system post construction.
6. Ground water/surface water contamination undetected due to potential of toxic leachate bypass of detection wells.
7. Methane gas discharge risks/hazards
8. Breathable air pollutants/odors resulting from waste dumping.
9. Proximity of waste dumping to public space (Cemetery – Reservoir #19 & associated waterways)
10. Proximity of waste dumping to Conservation Lake #19 and resulting potential for ground water contamination.
11. Proximity of waste dumping to Conservation Lake #19 and resulting potential for Public Flooding.
12. Proximity of waste dumping to Upstream Lake Tributaries.
13. Proximity of waste dumping to delineated flood plain areas.
14. Mass deforestation and resulting potential for public flooding.
15. Wildlife displacement.
16. Noise pollution of rural life setting.

In addition to a public meeting, we also request a **Contested Case Hearing** on COW's application #2400 Parts I&II for determination of land use compatibility. This property is ill-suited for solid waste disposal due to its close proximity to Soil Conservation Lake #19 and converging waterways; all of which are shared by our property.

City of Waco's solid waste disposal land siting affects our family with issues to a greater extent than the general public. Additionally, such siting carries inherent hazardous risks to our family, to such a degree, these risks will uniquely affect our property and quality of life. These hazardous risks include but are not limited to the following:

1) Flood Plain

COW's permit application #2400 identifies 502 acres of which, according to FEMA maps, a large portion falls in the 100 year flood plain. COW's application reveals major portions of the active waste disposal boundaries, at or against, flood plain perimeters. Additionally, the dig-out and trash dumping will most likely originate at a burial location well below flood saturation levels.

Furthermore, implementation of the waste disposal plan described in COW's application #2400, will increase water shedding and lake inflow waterway flooding. Therefore, any waste burial and dumping, at this particular location, will create the potential for ground water and surface water contamination for both COW's property and my properties.

2) **Mature Forest Clearing and Subsequent Flooding Potential**

COW's permit application shows delineation graphics of East and West disposal boundaries. The dig out will necessitate clearing of approximately 100 acres of mature forest. This mass deforestation will increase flood level potential absent soil and root system water absorption. Furthermore, the absorptive values of soil, vegetation and foliage is proposed to be replaced with a non-absorptive, 175.7 acre, covering over the entombed waste disposal areas. This large, multi-acre non-absorptive cover is designed to be impervious to water and will increase watershed into Conservation Lake #19, potentially raising flood levels in excess of those shown on maps provided by COW on application #2400. Furthermore, Conservation Reservoir Site #19 was developed and built in 1965 and has an age of 53 years. In a study and subsequent report completed in 2013 regarding Natural Resources Conservation Services (NRCS)-designed flood-retarding structures in Texas, the authors make the following statement: *"Prior to 1966, NRCS flood-retarding structures were generally constructed with a sediment pool volume equal to that of the estimated sediment accumulation in 50 years. After 1966, the requirement became that the sediment pool volume be equal to that of the estimated sediment accumulation in 100 years. Currently, the average age of all of the NRCS-designed structures in Texas is approximately 44 years, and many of these structures have already reached their design life (over one-fourth were constructed prior to 1963). There is much uncertainty about the actual amount of sediment accumulated in the structures."* (Evaluation of Natural Resources Conservation Services Flood and Sediment Control Structure Conditions to Better Estimate Erosion Rate – Report dated May 2013, prepared by: URS Corporation Texas Firm No. F3162 9400 Amberglen Blvd. Austin, TX 78729 in collaboration with: Dr. Peter Allen and Dr. John Dunbar Baylor University and: Dr. Raghavan Srinivasan Texas A&M University, p1)

Conservation Reservoir Site 19 was built in 1965 and has exceeded it's apparent useful life design of 50 years. As a property owner adjacent to site 19, I have boated the entire surface of this lake, taking water depth measurements at multiple locations. I also have a copy of the "as-built" drawings for site 19 soil conservation reservoir and water control structures. I can confirm site 19 has sediment deposits beyond the design limitations shown on the as-built drawings.

Based on these facts, it is logical to conclude that the upstream development described in COW's permit application #2400, will in and of itself, create flooding potential in excess of the current flood maps proffered in it's application to TCEQ for land use determination and permitting.

Now, with COW's proposed multi-acre development and subsequent increased water shed, immediately upstream, the antiquated water control structures, including it's earthen dam, will be further compromised into possible failure with the potential for catastrophic consequences.

3) At Risk Earthen Dam

Conservation Lake Site #19 has 53 year old water control structures, plus an "at risk" earthen dam structure. COW's landfill permit application to TCEQ outlines upstream development to include non-absorptive cover, replacing, soil, vegetation and deforestation. In a 2004 study of developmental impact on dams within the NRSC soil conservation program, the author/s state the following: *"The second problem which commonly arises is when development occurs upstream of a dam. This development increases runoff in the watershed and, subsequently, inflows to the lake. Because the dam structure was designed for existing conditions, primarily undeveloped agricultural land, it may be undersized and unable to control fully developed inflows. For example, a structure designed for the 100-year existing flow in the 1950's may now be overtopped by the 10-year or 25-year flood under current conditions. As these increased inflows occur, the outlet structure and emergency spillway of the dam can become damaged creating greater maintenance needs. Also, and of greater importance, increased flows create a greater chance of the embankment overtopping, which is the primary cause of most dam breaches."* (Low Hazard to High Hazard – Development's Impact on Dams - Michael D. Wayts, P.E., CFM1 , James D. Keith, E.I.T., CFM1 Ronnie Skala, P.E., CFM2 – Freese & Nichols, Inc. p6)

I personally witnessed 2015-2016 flood levels which came close to overtopping the current dam structure. Given COW's newly planned upstream development, and the event of "probable maximum precipitation" creating "probable maximum flooding" and, based on the most severe weather and water conditions reasonably possible, flooding and overtopping is a foreboding reality affecting myself, my family and multiple neighbors.

4) Common Waterways

Again, our property is contiguous with the 502 acres for which COW submitted a solid waste permit application to TCEQ. Upstream tributaries to the lake, flow through both properties. Both properties share common waterways. In COW's rush to secretly push through a land siting for a solid waste burial disposal operation, they chose one of the worst locations in Limestone/McLennan Counties. Their proposed site is rare, in that, of all possible waste disposal land siting's, this property lies in the convergence zone of multiple upstream tributaries into Soil Conservation Lake Site 19. Making matters worse, is the fact that COW's property is contiguous with the lake/waterways and application #2400 shows waste disposal boundaries proposed a relatively short distance from the shore line/s. Furthermore, COW's proposed waste burial will occur below flooding levels; below ground saturation levels; and, most likely, below lake/stream water levels. Therefore, any potential waste contaminated surface water; groundwater or underground discharge will flow through common waterways, directly contaminating our property; our livestock; and potentially, our family.

5) Limestone County Opposition/Ordinance and Hazardous Risks Acknowledgement

a) To further illustrate the local public and governmentally recognized ill-use of this property to serve the City of Waco for solid waste disposal, consider the following:

- On August 14, 2018, and prior to the completeness of COW's land use compatibility determination application (Part I&II), Limestone County Commissioners held a meeting in which Limestone County residents and all interested parties were allowed to make public comments regarding COW's siting of a proposed solid waste disposal facility on 502 acres, of which the majority is located in Limestone county. After hearing from concerned citizens regarding potential flooding, the near proximity of the lake, potential ground/surface water contamination and the nearness of a cemetery, along with traffic concerns, the commissioners voted unanimously to approve a resolution opposing COW's plan to place a solid waste disposal facility that would include COW's siting location in their county. This public hearing and subsequent passage of a County resolution in opposition to the 502 acres being used as the City of Waco's solid waste disposal facility, was highly publicized in the major news mediums available to the public, including TCEQ.
- At the September 5, 2018 commissioner's meeting: Limestone County Commissioners possessed a drafted ordinance prohibiting landfill siting within their jurisdiction other than areas designated by the County. Again, Limestone County residents and other interested parties lodged public comments, at this meeting, against COW's proposed solid waste dump location, siting safety and land use compatibility concerns. Many additional issues were raised and the concerns from the commissioner's meeting of August 14 were re-iterated. Passage of the ordinance was then scheduled for the Commissioner's September 11, 2018 meeting. (Notices - Mexia News 9/1/18, 9/5/18, 9/8/18, 9/15/19, 9/19/18)
- At Limestone County Commissioner's meeting of September 11, 2018 and prior to the completeness of COW's land use compatibility determination application, (Parts I&II) Limestone County Commissioners unanimously voted to approve the ordinance developed and displayed at the September 5 meeting, which prohibits solid waste disposal siting beyond areas designated by the County. (Notices – The Mexia News 9/1/18, 9/5/18, 9/8/18, 9/15/19, 9/19/18)

- On September 20, 2018, Limestone County Commissioners unanimously voted to ratify the previously approved ordinance prohibiting solid waste disposal siting beyond designated areas.

6) Green Energy Wind Turbine/s

On April 11, 2017, my wife and I entered into lease contract with Nextera, and assigns, to place green energy wind turbine/s on our property. The lease was signed with the understanding that the placement of wind turbine/s were imminent, except for the option clause which allows retraction due to any development or determination having an adverse effect on the siting and operation of wind turbines on our property. I believe the near proximity of COW's proposed solid waste disposal facility and subsequent bird congestion and circular bird flight towers, common to solid waste landfills, will be determined by the Owner/Operator to stimulate substantial interference in the operation of wind turbines.

If the City of Waco is permitted to place a bird attracting waste disposal facility next to our property, most likely the wind turbine grid will shift to the East, causing the Project Operator to option out of our property and vacate the, heretofore, agreed upon benefits. While these contract leased benefits are substantial, they are now subject to potential cancellation, pending a land use determination by TCEQ, in favor of the City of Waco which allows a later contradictory development by COW to adversely affect our prior contractual agreement with Nextera and assigns.

7) Helicopter Operations

I have owned and operated a turbine helicopter (Bell 206 B3 - Jetranger) at this location for the past nine years. Again, our property is contiguous with COW's property for which it has applied for a land use compatibility determination (Parts I&II) from TCEQ. I have strong concerns regarding the solid waste disposal land siting under application, and the resulting attraction of myriad bird activities. When the winds are from the South and/or East, my flight path into my property is, necessarily, directly over the waste burial zones depicted on COW's land use compatibility determination application. I also fly the perimeters of my property, checking fences and cattle. Given the erratic nature of bird flight and the circular bird flight tower columns common to solid waste landfills, I am concerned that placing a solid waste disposal facility at such near proximity to my property, presents a serious flight hazard due to bird strike risks and/or turbine engine ingestion.

Consider an excerpt from the following aviation publication/regulation:

"Aeronautical Information Manual (AIM)

7-4-2. Reducing Bird Strike Risks.

- a. **The most serious strikes are those involving ingestion into an engine (turboprops and turbine jet engines) or windshield strikes. These strikes can result in emergency situations requiring prompt action by the pilot.**
- b. **Engine ingestions may result in sudden loss of power or engine failure."**

TCEQ has been requested by COW to make a waste disposal land use/compatibility determination for their application #2400. I implore TCEQ to consider the current use of my property and not approve an application for contradictory and incompatible activity/operations which endanger, long time, pre-existing helicopter activities.

8) Youth - Nature Retreat

For many years, I have allowed supervised youth groups to use my property for a nature retreat, to include; recreational fishing, swimming, kayaking, and various other outdoor sports activities. Additionally, once a year our son Jason conducts a week long Church Youth Camp with about 150 in attendance. Daily activities include fishing, swimming and kayaking in Soil Conservation Lake #19 and the many waterways that are interconnected with my property; the subject property, and the lake.

Allowing a municipal solid waste facility to be placed in such close proximity to our property, and at ground zero of the confluence of waterways, is at best, an existential threat to long time, pre-existing activities, and at worst, an outright danger. In either case, a waste facility land siting is ill-suited to operate in close sensorial proximity to children at a nature retreat, and therefore, is incompatible land use for which a permit application should be denied.

9) Depreciation of Land Value

We purchased this property in 2009. From the time of purchase until now, I have put in over a mile of gravel base road, a concrete bridge over Williams creek, built a 15 acre lake, boat ramps in both the 15 acre lake and Lake Reservoir 19, etc, etc, in aggregate, an infrastructure worth over seven figures, plus the purchase price. No determination of land use compatibility should be made without consideration that in the case of this special developed land, my property values will plummet with the City of Waco's siting of a solid waste disposal facility contiguous with our substantially improved property.

10) City of Waco's Record

The City of Waco has breached any reasonable standard of good faith and fair dealing with the affected community/s by withholding their siting location from the public eye long after they signed a binding contract for the site under application. Had the City of

Waco consulted with the local public, most likely they could have avoided making one of the worst waste disposal land siting choices in McLennan/Limestone Counties. Furthermore, TCEQ recommends that applicants for solid waste disposal facilities engage the affected communities prior to application submission. Instead, COW mislead the media and the public until the latest possible minute of the 11th hour and then rushed through with "panic siting" in the face of legitimate and extremely vocal concerns from hundreds and hundreds of citizens living in the rural communities affected by their choice of land siting.

Therefore, any claims of proper construction; proper maintenance; proper operation; transparency; good faith and fair dealing, proffered in COW's permit application stand in stark contrast to COW's previous actions, and in the clear light of contra-historical facts.

Finally, 4730 T K Parkway, Axtell, TX 76624, is not COW's best site for solid waste disposal. For several years COW has owned close to 300 acres located along HWY 84. This acreage is in close proximity to their current landfill. COW originally purchased this property for the purpose of solid waste disposal because it was suitable and does not have many of the inherent issues cited above. This was a good and practical choice by COW. However, when faced with political headwinds, COW abandoned their well suited and practical waste facility land siting choice for an alternate land siting 24.4 miles away in Axtell, TX. (Google maps) Their alternate choice is both impractical and ill-suited for solid waste disposal.

COW continues to hold possession of it's first choice, HWY 84 property, for possible solid waste disposal siting. It is our hope that, in the interest of the local public, and the safety of our family, TCEQ recognizes the alternate site under application (located 4730 T K Parkway) to be ill-suited for municipal solid waste disposal.

Respectfully,

A handwritten signature in black ink, consisting of a stylized, sweeping line that starts with a sharp upward stroke and ends with a long, horizontal tail.

James Trayler
Property Owner

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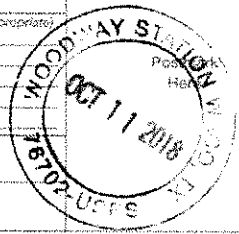
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James Trayler
 20 Walkers Crossing
 Waco, TX 76705

Texas Commission on Environmental Quality
 Office of the Chief Clerk
 MC-105, PO Box 13087
 Austin, TX 78711-3087

TCEQ Public Meeting Form
August 15, 2019

The City of Waco
Municipal Solid Waste Permit
Proposed Permit No. 2400

PLEASE PRINT

Name: James Trayler

Mailing Address: 20 Walkers Crossing, Waco, TX 76705

Physical Address (if different): _____

City/State: Waco, TX Zip: 76705

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

Email: _____

Phone Number: _____

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

Please add me to the mailing list.

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

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

(Written comments may be submitted at any time during the meeting)
Please give this form to the person at the information table. Thank you.

MW

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, September 26, 2018 1:57 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD
Subject: FW: Public comment on Permit Number 2400

H

From: Brent_weatherby@hotmail.com <Brent_weatherby@hotmail.com>
Sent: Tuesday, September 25, 2018 5:04 PM
To: PUBCOMMENT-OCC <pubcomment-occ@tceq.texas.gov>
Subject: Public comment on Permit Number 2400

REGULATED ENTY NAME CITY OF WACO LANDFILL

RN NUMBER: RN110471307

PERMIT NUMBER: 2400

DOCKET NUMBER:

COUNTY: HILL, LIMESTONE, MCLENNAN

PRINCIPAL NAME: CITY OF WACO

CN NUMBER: CN600131940

FROM

NAME: MR Brent Weatherby

E-MAIL: Brent_weatherby@hotmail.com

COMPANY:

ADDRESS: 602 HCR 3373
HUBBARD TX 76648-2838

PHONE: 2543666340

FAX:

COMMENTS: Would like a public hearing for the proposed Waco landfill in hill, limestone, and McLennan county.