

EXHIBIT B TO ADDENDUM

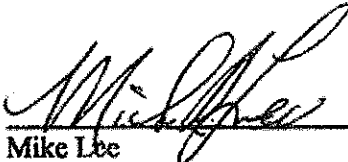
Laurie Gharis, Chief Clerk  
Office of Chief Clerk  
TCEQ, Mail Code MC-105  
PO Box 13087  
Austin, Texas 78711-3087


Re: Application of the City of Waco for Type I Landfill Municipal Solid Waste  
Permit No. 2400 in McLennan and Limestone Counties

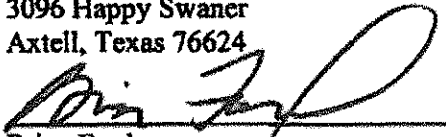
To Whom It May Concern:


We, the undersigned, hereby withdraw all comments and hearing requests that we, either  
individually or jointly, filed with the TCEQ related to the above-referenced application.

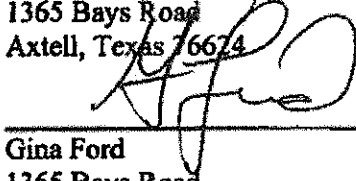
Sincerely,

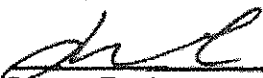
  
\_\_\_\_\_  
Mike Lee  
3096 Happy Swaner  
Axtell, Texas 76624

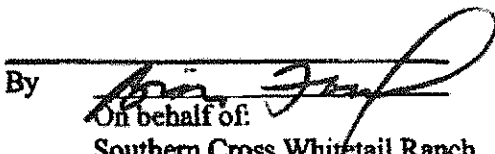
  
\_\_\_\_\_  
Michelle Lee  
3096 Happy Swaner  
Axtell, Texas 76624

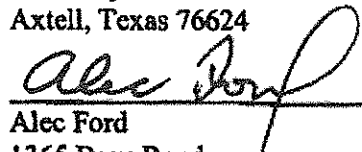
  
\_\_\_\_\_  
Brian Ford  
1365 Bays Road  
Axtell, Texas 76624

  
\_\_\_\_\_  
Ryan Ford  
1365 Bays Road  
Axtell, Texas 76624

  
\_\_\_\_\_  
Gina Ford  
1365 Bays Road  
Axtell, Texas 76624

  
\_\_\_\_\_  
Lauren Ford  
1365 Bays Road  
Axtell, Texas 76624

By   
\_\_\_\_\_  
On behalf of:  
Southern Cross Whitetail Ranch  
4855 T K Parkway  
Axtell, Texas 76624

  
\_\_\_\_\_  
Alec Ford  
1365 Bays Road  
Axtell, Texas 76624



**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, August 9, 2019 3:23 PM  
**To:** PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** CORRECTION: Public comment on Permit Number 2400  
**Attachments:** Comments to TCEQ on 8-8-20193.pdf

eComment = H  
Attachment = comment

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, August 9, 2019 10:51 AM  
**To:** PUBCOMMENT-ELD <pubcomment-eld@tceq.texas.gov>; PUBCOMMENT-OPIC <pubcomment-opic@tceq.texas.gov>; PUBCOMMENT-WPD <pubcomment-wpd@tceq.texas.gov>; PUBCOMMENT-OCC2 <pubcomment-occ2@tceq.texas.gov>  
**Subject:** FW: Public comment on Permit Number 2400

H

**From:** [bford\\_srt@yahoo.com](mailto:bford_srt@yahoo.com) <bford\_srt@yahoo.com>  
**Sent:** Friday, August 9, 2019 10:22 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:** Brian Paul Ford

**E-MAIL:** [bford\\_srt@yahoo.com](mailto:bford_srt@yahoo.com)

**COMPANY:** Southern Cross Whitetail Ranch

MSW

**ADDRESS:** 1365 BAYS RD  
AXTELL TX 76624-1100

**PHONE:** 2544981324

**FAX:**

**COMMENTS:** Request for a Contested Case Hearing with supporting Comments and Concerns

August 8th, 2019

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

RE: City of Waco – Type 1 Municipal Solid Waste (MSW) landfill Proposed Permit No. 2400

To Whom it May Concern:

Please find attached the comments of Mike Rex Lee and Brian Paul Ford and Gina Marie Ford owners of Southern Cross Whitetail Ranch, offer comments on The City of Waco's application for a proposed Type 1 Municipal Solid Waste Landfill Proposed Permit No. 2400.

Sincerely,

✓   
Mike Lee

✓   
Brian Ford

✓   
Gina Ford

Attachments:

Comments

Brian Ford  
1365 Bays Road  
Axtell, Texas 76624  
254-498-1324  
Bford\_srt@yahoo.com

mw

**PUBLIC COMMENTS PRESENTED BY MIKE LEE AND BRIAN FORD**

Pursuant to the Notice of application for a Type 1 Municipal Solid Waste (MSW) Landfill Proposed Permit No. 2400, dated August 8, 2018, the Notice of Public Comment / Public Meeting notice received on September 23<sup>rd</sup>, 2019, and pursuant to Chapter 55 of the rules of the Texas Commission on Environmental Quality ("Commission" or "TCEQ"), Mike Lee, Brian Ford and Gina Ford owners of ("Southern Cross Whitetail Ranch") ("SCWR") submit the following written comments to the Executive Director's on the above-referenced application of the City of Waco ("COW") for a Type 1 Municipal Solid Waste ("MSW") Landfill permit in Limestone County, Texas, Proposed Permit No. 2400. Mike Lee, Brian Ford and Gina Ford submit the following comments.

**INTRODUCTION**

The following people file these public comments.

Mike Lee  
3096 Happy Swaner  
Axtell, Texas 76624  
254-744-8687  
Mrmike1954@aol.com

Brian and Gina Ford  
1365 Bays Road  
Axtell, Texas 76624  
254-498-1324  
Bford\_srt@yahoo.com

Southern Cross Whitetail Ranch (physical location)  
4855 T.K. Parkway  
Axtell, Texas 76624  
Owners: Mike Lee, Brian and Gina Ford

## **RELEVANT HISTORY**

Inherent in the permitting process is the full public disclosure of all relevant information by those seeking a permit. The applicant herein, the City of Waco "COW", has misrepresented material facts relating to its application for a Municipal Solid Waste "MSW" permit that would in all likelihood, if granted, adversely affect Southern Cross Whitetail Ranch" SCWR" owners, safety, health, welfare, property rights, including financial impacts to our breeding and hunting operation. The largely inaccurate application has failed to address the impacts on state water quality, floodwater retention, impacts on local wildlife and wildlife habitat, the effects on protected species and/or the health and safety of the owners of SCWR. What is clear, is that the proposed MSW facility is directly across the street from SCWR and less than the required 125' buffer zone outlined in TCEQ's requirements under Section 330.543 (Easements and Buffer Zones) for a new Type 1 landfill. SCWR's proximity to the proposed facility, would result in a constant exposure to trash and debris, noise, increased traffic, odors, airborne contaminants, fly's, mosquitoes, midge fly's that infect deer with EHD and results in death, and other unknown contaminants associated with discharge of Leachate from the facility. COW's application acknowledges the purposed MSW facility will discharging dredged and fill materials into a portion of waters of the United States, water contamination is a major concern and must be addressed. The economic discrimination being shown to SCWR owners by COW unacceptably gambles with the health, safety, welfare and property rights of the owners who are across the street from the purposed MSW facility. There is no mention of the Bald Eagles that nest near the purposed MSW facility in the public notice, no studies have been conducted by the Texas Parks and Wildlife department under the Wildlife Habitat Assessment Program to address the local wildlife population, potential disease's to the whitetail deer raised by SCWR, increased exposure to Epizootic Hemorrhagic Disease "EHD" and/or Chronic Waste Disease "CWD", that results in death and can spread from captive to free-range deer. All potential threats and effects of the purposed MSW facility must be addressed to protect SCWR owners, their business and property rights.

### **Comment 1**

The proposed COW Type 1 MSW facility is directly across the street from SCWR, located to the East of the property and separated by a two-lane county road, the purposed facility does not meet the required Buffer Zone required by TCEQ. Failure to maintain the required Buffer Zone requires the rejection of the current application.

**Comment 2**

SCWR is physically located at 4855 T.K. Parkway Axtell, Texas, a licensed whitetail deer breeding and hunting operation, regulated by the Texas Parks and Wildlife Department "TPWD". SCWR is registered with TPWD under breeder Serial #TX2843, breeder facility ID# 2501B, the hunting operation is registered under facility ID# 2501R. SCWR was purchased in 2005, the infrastructure took several years to build and the actual breeding program started in 2009.

**Comment 3**

SCWR objects to the COW application for the purposed MSW facility because no studies were conducted by TPWD under the Wildlife Habitat Assessment Program. COW sent their application to Rick Hanson with TPWD. A response was submitted by Rick Hanson on October 10, 2018, stating he reviewed the application and based on the documentation and description provided by COW, TPWD does not anticipate significant adverse impacts to rare, threatened, or endangered species, or other fish or wildlife. Failure by the TPWD to conduct an actual study, identifying the potential affects to wildlife under the Wildlife Habitat Assessment Program is a requirement under TCEQ's application process. COW and/or TPWD's failure to provide an actual study does not excuse their legal obligations to provide the required information. Failure to provide any information about the adverse impacts to rare, threatened, or endangered species, or other fish or wildlife including the deer raised by SCWR, requires the rejection of the current application.

**Comment 4**

COW has failed to adequately address the traffic, current road construction and access to the purposed MSW facility located on FM 939 and/or T.K. Parkway. T.K. Parkway is not currently used or maintained for truck traffic associated with an MSW landfill. Such a route would pass directly in front of SCWR, creating unsafe road conditions, traffic, noise, odor and other health and safety issues for SCWR owners and the local residents near the purposed facility. The two-lane road on FM 939 and/or T.K. Parkway is not adequate to support the purposed MSW facility traffic as described by COW. Multiple fatality accidents have occurred at the intersection of Hwy 31 and FM 939 in the past few years, this dangerous intersection is only 0.4 tenths of a mile from the purposed MSW facility. Additional traffic studies, road construction improvements and other safety features need to be addressed to protect the safety of SCWR owners and the local residents. The application does not conform to the provisions of the regional solid waste management plan of the Heart of Texas Council of Governments "HOTCOG",

including impact to local traffic patterns, impacts to the environmental features including the 100-year floodplain, general land use compatibility, and risk to the health and safety of the public who resides in close proximity. COW's failure to provide the required information requires the rejection of the current application.

**Comment 5**

The application has been amended and supplemented after submission of the application to the US Army Corps of Engineers "USACE", HOTCOG, TXDOT and the County, so any prior review or determination by USACE, HOTCOG, TXDOT and the County was not based on the actual application being considered for approval of a permit, and requires the rejection of the current application.

**Comment 6**

The application does not correctly determine and report the existing site-specific conditions that relate to State Water Quality Certifications, the proposed MSW site would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier 1 criteria for the purposed project. COW has not addressed Water Quality, Habitat and Floodwater Retention, by including a baseline water quality assessment, ongoing water quality evaluation or a remediation plan in the event of contamination of state waters as a result of the purposed MSW site; therefore, the current application should be rejected.

**Comment 7**

The proposed facility is not a compatible land use because the proposed facility contains portions of a Soil Conservation Lake known as Site #19 reservoir a USDA site. COW has no mention of consulting with the USDA in connection with the proposed site, they have not addressed the impacts of discharging dredged and fill materials on a Federal Floodwater Retention Facility and/or the environmental impacts associated with discharging contaminants from the proposed MSW facility, therefore the current application should be rejected.

**Comment 8**

The proposed facility encompasses 502 acres, much of which is located in the 100-year floodplain as identified in the current FEMA flood map. Under 30 TAC 330.63, COW is required to



provide information detailing the specific flooding levels and other events that impact the flood protection of the proposed 351-acre facility, and providing data required by 30 TAC 301.33 – 301.36 for the entire 502 acres. The application does not include the required data and therefore the current application should be rejected.

**Comment 9**

The proposed facility does not meet the requirement of 30 TAC 330.547(b) because it's located in the 100-year floodplain and will restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain and/or result in a potential washout of solid waste in Site #19 reservoir which connects to Horse Creek, which joins Williams Creek and Williams Creek flows southwest joining Tehuacana Creek which flows southwest joining the Brazos River, which could pose a hazard to water quality, human health, wildlife habitats and/or the environment.

**Comment 10**

The proposed facility as it currently states, fails to comply with the requirements of 30 TAC 330.307 because it does not include plans outlining suitable levees constructed to provide protection from a 100-year frequency flood, the design must prevent washout of solid waste from the facility. COW has failed to document the required levee construction plans; therefore, the current application should be rejected.

**Comment 11**

The application does not demonstrate compliance with the endangered and threatened species location restrictions in 30 TAC 330.551 and 30 TAC 330.61(n). There is a known pair of Eagles that nest on the proposed site. TCOW officials have verbally indicated that the Eagles would be re-located, which is in direct opposition to the Bald & Golden Eagle Protection Act. COW has no mention of consulting with the Ecological Services Program who are responsible for implementing numerous laws, including the Bald and Golden Eagle Protection Act; therefore, the current application should be rejected.

**Comment 12**

The application's aerial photograph is dated September 7th, 2017 and does not provide current information; therefore, the current application should be rejected.

**Comment 13**

COW failed to provide sufficient information about groundwater and surface water as required by 30 TAC 330.61(k). Site #19 reservoir is a USDA site, and a Texas Special Utility District. The McLennan and Hill Counties Tehuacana Creek Water Improvement District (TCWID) are co-sponsors of the site. TCWID, NRCS, and McLennan County, have had no voice or role in the location, operation, or monitoring of the proposed MSW landfill site; therefore, the current application should be rejected.

**Comment 14**

Under 30 TAC 330.55(a) owners or operators of certain waste management facilities should consult with the TCEQ's Air Permits Division on or before the date that the MSW application is filed with the executive director. The application does not indicate whether such consultation took place. COW has not provided an analysis on whether its proposed landfill operations can comply with the standard air permit; therefore, the current application should be rejected.

**Comment 15**

COW has failed to demonstrate how the facility will comply with 30 TAC 330.55(b) (Water pollution control).

**Comment 16**

COW has failed to demonstrate how the facility will dispose of the liquid leachate produced from the proposed MSW landfill facility. Will the leachate be hard piped to a central location and then removed from the landfill, or left in lined collection retention ponds? COW has failed to address liquid leachate and how it will dispose of the leachate and/or storage along with providing remediation plans in the event of contamination; therefore, the current application should be rejected.

**Comment 17**

COW has failed to demonstrate how they will construct an on-site sewer system noted in the current application. Due to the large amounts of clay in the region, a soil substitution system will not work. If COW is required to use an aerobic system, how will they dispose of sprayed liquid waste generated from the on-site sewer system; therefore, the current application should be rejected.

**Comment 18**

COW's site development plan in the application does not comply with 30 TAC 330.63(a) and does not appropriately consider criteria for the "safeguarding of the health, welfare, and physical property of the people and the environment including water quality, habitat, and floodwater retention; therefore, the current application should be rejected.

**Comment 19**

The general facility design in COW's application does not comply with 30 TAC 330.63(b), including, but not limited to, facility access, waste movement, hours of operation, odor control, sanitation, water pollution control, and endangered species protection over the life of the landfill.

**Comment 20**

COW's waste management design does not comply with 30 TAC 330.63(d) because it fails to account for the conditions over the life of the landfill, easements and existing uses, and features that will prevent the creation of nuisances or public health hazards due to odors, fly breeding, or harborage of other vectors. SCWR deer will be directly affected by diseases carried by flying insects, and other contaminations generated from the purposed MSW facility. SCWR contracts the sale of stocker bucks to other ranches in Texas, the potential spread of diseases to other ranches in the state is a potential threat and liability risk that must be addressed by the COW, TPWD, USDA and other governmental agencies concerned about the risk of spreading Chronic Waste Disease "CWD" in Texas.

**Comment 21**

SCWR's close proximity to the purposed MSW landfill and lack of financial resources to relocate the facility makes them an affected person by definition and constitutes an Inverse Condemnation and taking of their property and/or loss of use and/or loss of value to their property. COW's failure to provide full and correct information about the scope and operations of the proposed facility can have but one purpose, to hide the actual strategy for the proposed facility from those who will be most adversely affected. COW appears to be shifting the cost and exposure to SCWR owners, a price they will pay with their health, safety, and livelihood of their property. The incomplete application of COW should be denied.

**Comment 22**

SCWR owner's health and welfare and livelihood will be disproportionately affected by the proposed COW's MSW facility. TCEQ has the legal obligation to ensure that the state has complied with Title VI of the Civil Rights Act of 1964. While the current situation appears to be economic discrimination, the duty remains with the state to ensure that the proposed permit of the MSW facility is not in violation of Title VI. COW has not demonstrated compliance with Title VI in its permitting process. TCEQ should order COW to conduct a disproportionate impact assessment for the proposed MSW landfill; therefore, the current application should be rejected.

**Comment 23**

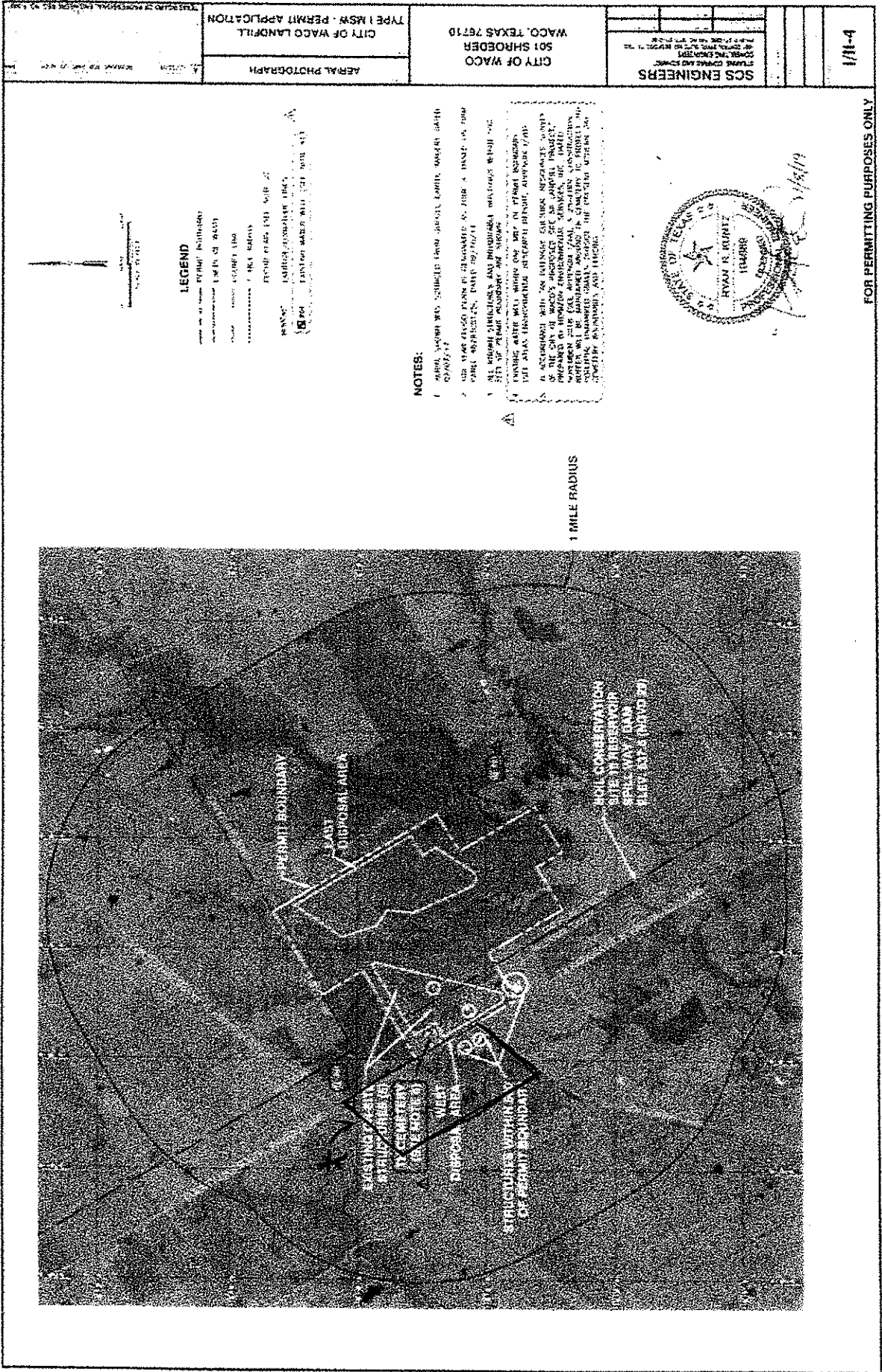
SCWR hereby adopts and incorporates the comments filed by Mike Lee and Brian and Gina Ford.

**CONCLUSION AND PRAYER**

The proposed MSW landfill to be built and operated by COW in Limestone County, poses a serious risk to the health and safety and the property rights of SCWR owners Mike Lee, Brian and Gina Ford, as well as causing significant damage to Southern Cross Whitetail Ranch breeding and hunting operation. In addition, SCWR contracts the sale of stocker bucks to other ranches in Texas, the potential spread of diseases to other ranches in the state is a real and potential liability risk that must be addressed and acknowledged by the COW, TPWD, USDA, US Army Corps of Engineers and other intergovernmental agencies concerned about the risk of spreading Chronic Waste Disease "CWD" in Texas. SCWR take pride in the land we have been so fortunate to own and oversee until the next generation of our family can take over. We have countless hours of blood, sweat and sheer determination involved in building a successful business, something that could be passed on to our children to enjoy and prosper as we have. The total economic impact of the Texas deer breeding and hunting operations has been reported to be \$1.6 billion annually by the Agricultural and Food Policy Center ("AFPC"), including supporting 16,892 jobs in the state. The report generated by AFPC was performed in mid-2016 and highlight the fact that the deer breeding industry is a growing and important segment of the Texas economy, contributing to the vitality of rural areas of the state. The purposed MSW landfill will generate substantial income for the COW; with unlimited tax payer funds at their disposal, expert witnesses, attorneys and other municipal resources not available to SCWR owners, COW will surely outspend anyone that gets in their way. We pray that the powers within the TCEQ and other intergovernmental agencies will diligently seek to protect the interest of SCWR owner's property rights,

health, safety, and livelihood of their business. For reasons set forth herein, as well as all other written public comments and any oral comments from a public meeting, be considered by the executive director in accordance with Chapter 55, Subchapter E of the Commission's rules, and that after the processing and consideration of all formal written and oral public comments, the executive director's preliminary decision and the purposed permit #2400 by COW, be denied and/or withdrawn.

\* Southern Cross Ranch Location  
 4855 T.K. Pkwy Anzell, TX 76824



TYPE I MSW - PERMIT APPLICATION  
 CITY OF WACO LANDFILL

AERIAL PHOTOGRAPH

CITY OF WACO  
 501 SHROEDER  
 WACO, TEXAS 76710

SCS ENGINEERS  
 1/11-4

LEGEND  
 PERMIT BOUNDARY  
 DISPOSAL AREA  
 WELL

NOTES:  
 1. ALL PERMIT BOUNDARIES AND DISPOSAL AREAS MUST BE APPROVED BY THE CITY OF WACO.  
 2. ALL PERMIT BOUNDARIES AND DISPOSAL AREAS MUST BE APPROVED BY THE CITY OF WACO.  
 3. ALL PERMIT BOUNDARIES AND DISPOSAL AREAS MUST BE APPROVED BY THE CITY OF WACO.

1 MILE RADIUS

FOR PERMITTING PURPOSES ONLY

msw  
112581

**Marisa Weber**

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**From:** PUBCOMMENT-OCC  
**Sent:** Friday, August 9, 2019 10:52 AM  
**To:** PUBCOMMENT-ELD; PUBCOMMENT-OPIC; PUBCOMMENT-WPD; PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number 2400  
**Attachments:** Comments to TCEQ on 8-8-20193.pdf

H

**From:** bford\_srt@yahoo.com <bford\_srt@yahoo.com>  
**Sent:** Friday, August 9, 2019 10:22 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:** Brian Paul Ford

**E-MAIL:** [bford\\_srt@yahoo.com](mailto:bford_srt@yahoo.com)

**COMPANY:** Southern Cross Whitetail Ranch

**ADDRESS:** 1365 BAYS RD  
AXTELL TX 76624-1100

**PHONE:** 2544981324

**FAX:**

**COMMENTS:** Request for a Contested Case Hearing with supporting Comments and Concerns

August 8th, 2019

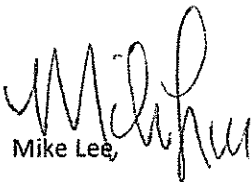
Chief Clerk's Office, MC 105  
Texas Commission on Environmental Quality  
P.O. Box 13087  
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RE: City of Waco – Type 1 Municipal Solid Waste (MSW) landfill Proposed Permit No. 2400

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Please find attached the comments of Mike Rex Lee and Brian Paul Ford and Gina Marie Ford owners of Southern Cross Whitetail Ranch, offer comments on The City of Waco's application for a proposed Type 1 Municipal Solid Waste Landfill Proposed Permit No. 2400.

Sincerely,

  
Mike Lee

  
Brian Ford

  
Gina Ford

Attachments:

Comments

Brian Ford  
1365 Bays Road  
Axtell, Texas 76624  
254-498-1324  
Bford\_srt@yahoo.com



**PUBLIC COMMENTS PRESENTED BY MIKE LEE AND BRIAN FORD**

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**INTRODUCTION**

The following people file these public comments.

Mike Lee  
3096 Happy Swaner  
Axtell, Texas 76624  
254-744-8687  
Mrmike1954@aol.com

Brian and Gina Ford  
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Owners: Mike Lee, Brian and Gina Ford

## **RELEVANT HISTORY**

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SCWR objects to the COW application for the proposed MSW facility because no studies were conducted by TPWD under the Wildlife Habitat Assessment Program. COW sent their application to Rick Hanson with TPWD. A response was submitted by Rick Hanson on October 10, 2018, stating he reviewed the application and based on the documentation and description provided by COW, TPWD does not anticipate significant adverse impacts to rare, threatened, or endangered species, or other fish or wildlife. Failure by the TPWD to conduct an actual study, identifying the potential affects to wildlife under the Wildlife Habitat Assessment Program is a requirement under TCEQ's application process. COW and/or TPWD's failure to provide an actual study does not excuse their legal obligations to provide the required information. Failure to provide any information about the adverse impacts to rare, threatened, or endangered species, or other fish or wildlife including the deer raised by SCWR, requires the rejection of the current application.

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The application has been amended and supplemented after submission of the application to the US Army Corps of Engineers "USACE", HOTCOG, TXDOT and the County, so any prior review or determination by USACE, HOTCOG, TXDOT and the County was not based on the actual application being considered for approval of a permit, and requires the rejection of the current application.

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**Comment 23**

SCWR hereby adopts and incorporates the comments filed by Mike Lee and Brian and Gina Ford.

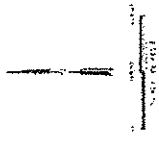
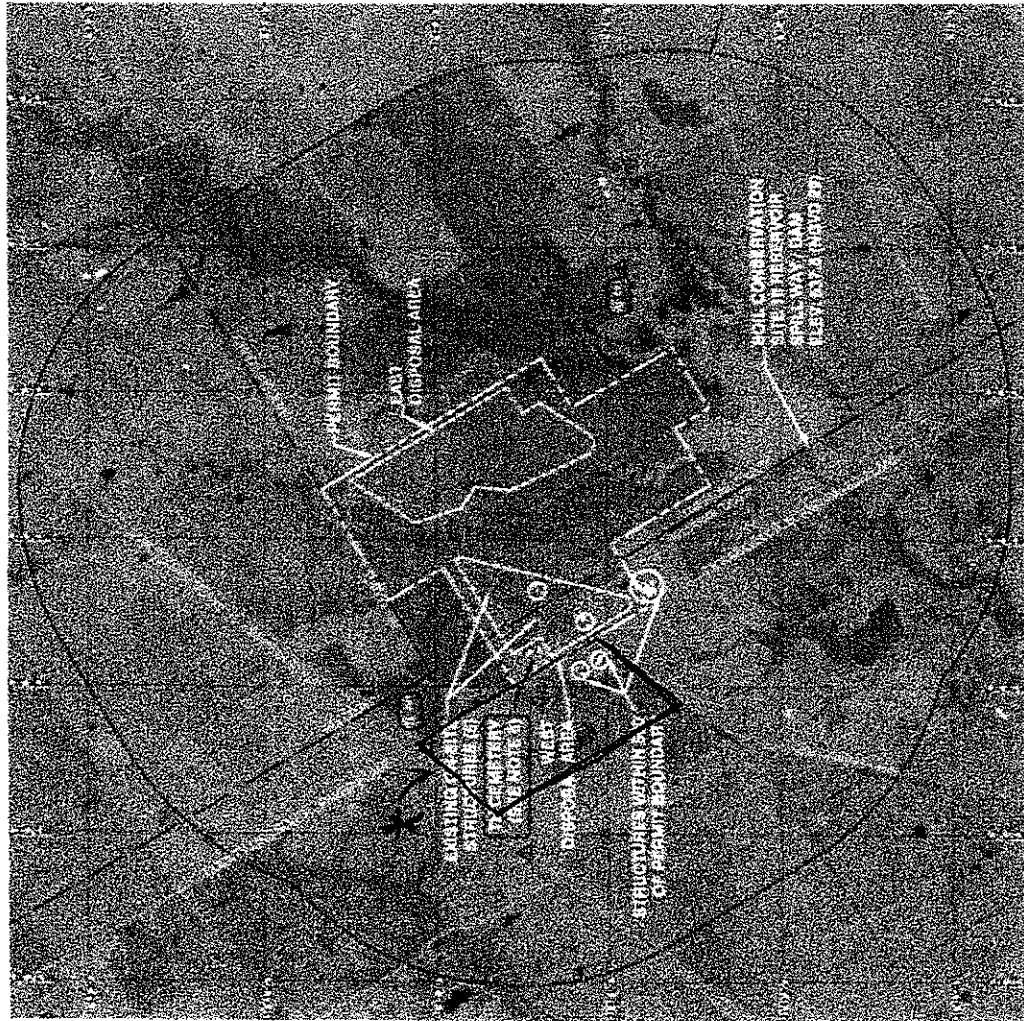
**CONCLUSION AND PRAYER**

The proposed MSW landfill to be built and operated by COW in Limestone County, poses a serious risk to the health and safety and the property rights of SCWR owners Mike Lee, Brian and Gina Ford, as well as causing significant damage to Southern Cross Whitetail Ranch breeding and hunting operation. In addition, SCWR contracts the sale of stocker bucks to other ranches in Texas, the potential spread of diseases to other ranches in the state is a real and potential liability risk that must be addressed and acknowledged by the COW, TPWD, USDA, US Army Corps of Engineers and other intergovernmental agencies concerned about the risk of spreading Chronic Waste Disease "CWD" in Texas. SCWR take pride in the land we have been so fortunate to own and oversee until the next generation of our family can take over. We have countless hours of blood, sweat and sheer determination involved in building a successful business, something that could be passed on to our children to enjoy and prosper as we have. The total economic impact of the Texas deer breeding and hunting operations has been reported to be \$1.6 billion annually by the Agricultural and Food Policy Center ("AFPC"), including supporting 16,892 jobs in the state. The report generated by AFPC was performed in mid-2016 and highlight the fact that the deer breeding industry is a growing and important segment of the Texas economy, contributing to the vitality of rural areas of the state. The proposed MSW landfill will generate substantial income for the COW; with unlimited tax payer funds at their disposal, expert witnesses, attorneys and other municipal resources not available to SCWR owners, COW will surely outspend anyone that gets in their way. We pray that the powers within the TCEQ and other intergovernmental agencies will diligently seek to protect the interest of SCWR owner's property rights,



health, safety, and livelihood of their business. For reasons set forth herein, as well as all other written public comments and any oral comments from a public meeting, be considered by the executive director in accordance with Chapter 55, Subchapter E of the Commission's rules, and that after the processing and consideration of all formal written and oral public comments, the executive director's preliminary decision and the purposed permit #2400 by COW, be denied and/or withdrawn.

\* Southern Cross Permit Location  
 4855 T.K. Pkwy Austin, TX 78624

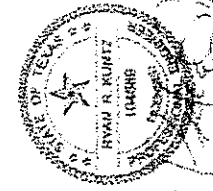


**LEGEND**

- PERMIT BOUNDARY
- EXISTING EXHAUST STRUCTURE (TO BE REMOVED) (SEE NOTE 3)
- EXISTING EXHAUST STRUCTURE (TO BE REMOVED) (SEE NOTE 4)
- EXISTING EXHAUST STRUCTURE (TO BE REMOVED) (SEE NOTE 5)
- EXISTING EXHAUST STRUCTURE (TO BE REMOVED) (SEE NOTE 6)
- EXISTING EXHAUST STRUCTURE (TO BE REMOVED) (SEE NOTE 7)
- EAST DISPOSAL AREA
- WEST DISPOSAL AREA
- SOIL CONSERVATION SITE BOUNDARY

**NOTES:**

1. ALL EXHAUST STRUCTURES AND BOUNDARIES SHOWN ON THIS PLAN ARE BASED ON THE 1997 AERIAL PHOTOGRAPH.
2. THE 1997 AERIAL PHOTOGRAPH IS AVAILABLE AT THE CITY OF WACO, TEXAS 76710.
3. ALL EXHAUST STRUCTURES AND BOUNDARIES SHOWN ON THIS PLAN ARE BASED ON THE 1997 AERIAL PHOTOGRAPH.
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	CITY OF WACO 501 SHROEDER WACO, TEXAS 76710	CITY OF WACO AERIAL PHOTOGRAPH	TYPE I MSW - PERMIT APPLICATION		SCS ENGINEERS STATE LICENSE NO. 104088 DAVID R. KUNTZ, P.E. 11111 W. 17TH ST. SUITE 100 WACO, TEXAS 76798
1/11-9					

FOR PERMITTING PURPOSES ONLY

MSW  
112581

CHIEF CLERKS OFFICE

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TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

REVIEWED  
AUG 12 2019  
By GCW H

August 8th, 2019

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

RE: City of Waco -- Type 1 Municipal Solid Waste (MSW) landfill Proposed Permit No. 2400

To Whom it May Concern:

Please find attached the comments of Mike Rex Lee and Brian Paul Ford and Gina Marie Ford owners of Southern Cross Whitetail Ranch, offer comments on The City of Waco's application for a proposed Type 1 Municipal Solid Waste Landfill Proposed Permit No. 2400. \* (Request For A Contested Case Hearing)

Sincerely,

  
Mike Lee

  
Brian Ford

  
Gina Ford

Attachments:

Comments  
Map location of SCWR

Brian Ford  
1365 Bays Road  
Axtell, Texas 76624  
254-498-1324  
Bford\_srt@yahoo.com

aw

**PUBLIC COMMENTS PRESENTED BY MIKE LEE AND BRIAN FORD**

Pursuant to the Notice of application for a Type 1 Municipal Solid Waste (MSW) Landfill Proposed Permit No. 2400, dated August 8, 2018, the Notice of Public Comment / Public Meeting notice received on September 23<sup>rd</sup>, 2019, and pursuant to Chapter 55 of the rules of the Texas Commission on Environmental Quality ("Commission" or "TCEQ"), Mike Lee, Brian Ford and Gina Ford owners of ("Southern Cross Whitetail Ranch") ("SCWR") submit the following written comments to the Executive Director's on the above-referenced application of the City of Waco ("COW") for a Type 1 Municipal Solid Waste ("MSW") Landfill permit in Limestone County, Texas, Proposed Permit No. 2400. Mike Lee, Brian Ford and Gina Ford submit the following comments.

**INTRODUCTION**

The following people file these public comments.

Mike Lee  
3096 Happy Swaner  
Axtell, Texas 76624  
254-744-8687  
Mrmike1954@aol.com

Brian and Gina Ford  
1365 Bays Road  
Axtell, Texas 76624  
254-498-1324  
Bford\_srt@yahoo.com

Southern Cross Whitetail Ranch (physical location)  
4855 T.K. Parkway  
Axtell, Texas 76624  
Owners: Mike Lee, Brian and Gina Ford

**RELEVANT HISTORY**

Inherent in the permitting process is the full public disclosure of all relevant information by those seeking a permit. The applicant herein, the City of Waco "COW", has misrepresented material facts relating to its application for a Municipal Solid Waste "MSW" permit that would in all likelihood, if granted, adversely affect Southern Cross Whitetail Ranch "SCWR" owners, safety, health, welfare, property rights, including financial impacts to our breeding and hunting operation. The largely inaccurate application has failed to address the impacts on state water quality, floodwater retention, impacts on local wildlife and wildlife habitat, the effects on protected species and/or the health and safety of the owners of SCWR. What is clear, is that the proposed MSW facility is directly across the street from SCWR and less than the required 125' buffer zone outlined in TCEQ's requirements under Section 330.543 (Easements and Buffer Zones) for a new Type 1 landfill. SCWR's proximity to the proposed facility, would result in a constant exposure to trash and debris, noise, increased traffic, odors, airborne contaminants, fly's, mosquitoes, midge fly's that infect deer with EHD and results in death, and other unknown contaminants associated with discharge of Leachate from the facility. COW's application acknowledges the purposed MSW facility will discharging dredged and fill materials into a portion of waters of the United States, water contamination is a major concern and must be addressed. The economic discrimination being shown to SCWR owners by COW unacceptably gambles with the health, safety, welfare and property rights of the owners who are across the street from the purposed MSW facility. There is no mention of the Bald Eagles that nest near the purposed MSW facility in the public notice, no studies have been conducted by the Texas Parks and Wildlife department under the Wildlife Habitat Assessment Program to address the local wildlife population, potential disease's to the whitetail deer raised by SCWR, increased exposure to Epizootic Hemorrhagic Disease "EHD" and/or Chronic Waste Disease "CWD", that results in death and can spread from captive to free-range deer. All potential threats and effects of the purposed MSW facility must be addressed to protect SCWR owners, their business and property rights.

**Comment 1**

The proposed COW Type 1 MSW facility is directly across the street from SCWR, located to the East of the property and separated by a two-lane county road, the purposed facility does not meet the required Buffer Zone required by TCEQ. Failure to maintain the required Buffer Zone requires the rejection of the current application.

**Comment 2**

SCWR is physically located at 4855 T.K. Parkway Axtell, Texas, a licensed whitetail deer breeding and hunting operation, regulated by the Texas Parks and Wildlife Department "TPWD". SCWR is registered with TPWD under breeder Serial #TX2843, breeder facility ID# 2501B, the hunting operation is registered under facility ID# 2501R. SCWR was purchased in 2005, the infrastructure took several years to build and the actual breeding program started in 2009.

**Comment 3**

SCWR objects to the COW application for the proposed MSW facility because no studies were conducted by TPWD under the Wildlife Habitat Assessment Program. COW sent their application to Rick Hanson with TPWD. A response was submitted by Rick Hanson on October 10, 2018, stating he reviewed the application and based on the documentation and description provided by COW, TPWD does not anticipate significant adverse impacts to rare, threatened, or endangered species, or other fish or wildlife. Failure by the TPWD to conduct an actual study, identifying the potential affects to wildlife under the Wildlife Habitat Assessment Program is a requirement under TCEQ's application process. COW and/or TPWD's failure to provide an actual study does not excuse their legal obligations to provide the required information. Failure to provide any information about the adverse impacts to rare, threatened, or endangered species, or other fish or wildlife including the deer raised by SCWR, requires the rejection of the current application.

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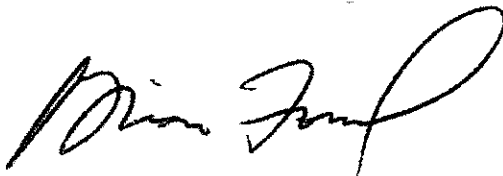
SCWR hereby adopts and incorporates the comments filed by Mike Lee and Brian and Gina Ford.

**CONCLUSION AND PRAYER**

The proposed MSW landfill to be built and operated by COW in Limestone County, poses a serious risk to the health and safety and the property rights of SCWR owners Mike Lee, Brian and Gina Ford, as well as causing significant damage to Southern Cross Whitetail Ranch breeding and hunting operation. In addition, SCWR contracts the sale of stocker bucks to other ranches in Texas, the potential spread of diseases to other ranches in the state is a real and potential liability risk that must be addressed and acknowledged by the COW, TPWD, USDA, US Army Corps of Engineers and other intergovernmental agencies concerned about the risk of spreading Chronic Waste Disease "CWD" in Texas. SCWR take pride in the land we have been so fortunate to own and oversee until the next generation of our family can take over. We have countless hours of blood, sweat and sheer determination involved in building a successful business, something that could be passed on to our children to enjoy and prosper as we have. The total economic impact of the Texas deer breeding and hunting operations has been reported to be \$1.6 billion annually by the Agricultural and Food Policy Center ("AFPC"), including supporting 16,892 jobs in the state. The report generated by AFPC was performed in mid-2016 and highlight the fact that the deer breeding industry is a growing and important segment of the Texas economy, contributing to the vitality of rural areas of the state. The purposed MSW landfill will generate substantial income for the COW; with unlimited tax payer funds at their disposal, expert witnesses, attorneys and other municipal resources not available to SCWR owners, COW will surely outspend anyone that gets in their way. We pray that the powers within the TCEQ and other intergovernmental agencies will diligently seek to protect the interest of SCWR owner's property rights,

health, safety, and livelihood of their business. For reasons set forth herein, as well as all other written public comments and any oral comments from a public meeting, be considered by the executive director in accordance with Chapter 55, Subchapter E of the Commission's rules, and that after the processing and consideration of all formal written and oral public comments, the executive director's preliminary decision and the purposed permit #2400 by COW, be denied and/or withdrawn.

\* We ARE Requesting A Contested Case Hearing!



8-8-2019

\* Southern Cross Ranch Location  
46555 T.K. Pkwy Austin, TX 78752

1/11-4	SCS ENGINEERS 501 SHROEDER WACO, TEXAS 76710	CITY OF WACO 501 SHROEDER WACO, TEXAS 76710	CITY OF WACO LANDRELL TYPE I MSW - PERMIT APPLICATION	AERIAL PHOTOGRAPH
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**NOTES:**

1. All work shall be done in accordance with the City of Waco's Standard Specifications for Street and Sanitary Sewerage.
2. All work shall be done in accordance with the City of Waco's Standard Specifications for Street and Sanitary Sewerage.
3. All work shall be done in accordance with the City of Waco's Standard Specifications for Street and Sanitary Sewerage.
4. All work shall be done in accordance with the City of Waco's Standard Specifications for Street and Sanitary Sewerage.
5. All work shall be done in accordance with the City of Waco's Standard Specifications for Street and Sanitary Sewerage.

**LEGEND**

1. 1/2" = 1' (SEE PLAN FOR DETAILS)

2. 1/4" = 1' (SEE PLAN FOR DETAILS)

3. 1/8" = 1' (SEE PLAN FOR DETAILS)

4. 1/16" = 1' (SEE PLAN FOR DETAILS)

1 MILE RADIUS

FOR PERMITTING PURPOSES ONLY

**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, August 9, 2019 10:49 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-ELD; PUBCOMMENT-OPIC; PUBCOMMENT-WPD  
**Subject:** FW: Public comment on Permit Number 2400

H

**From:** bford\_srt@yahoo.com <bford\_srt@yahoo.com>  
**Sent:** Friday, August 9, 2019 9:31 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:** Brian Paul Ford

**E-MAIL:** [bford\\_srt@yahoo.com](mailto:bford_srt@yahoo.com)

**COMPANY:** Southern Cross Whitetail Ranch

**ADDRESS:** 1365 BAYS RD  
AXTELL TX 76624-1100

**PHONE:** 2544981324

**FAX:**

**COMMENTS:** Request for a contested case hearing by Mike Lee, Brian and Gina Ford, owners of Southern Cross Whitetail Ranch: The purposed MSW landfill to be built and operated by the City of Waco (COW) in McLennan and Limestone County, poses a serious risk to the health, safety and the property rights of Southern Cross Whitetail Ranch (SCWR) owner's Mike Lee, Brian and Gina Ford, as well as the potential for significant damage to SCWR's breeding and hunting operation. SCWR contracts the sale of stocker bucks to other ranches in Texas, the potential spread of diseases to other ranches in the state is a real and potential liability risk that must be addressed and acknowledged by COW,

TCEQ, TPWD, USDA, the US Army Corps of Engineers and other intergovernmental agencies concerned about the risk of spreading Chronic Waste Disease "CWD" in Texas. SCWR owners take pride in the land we have been so fortunate to own and oversee until the next generation of our family can take over. We have countless hours of blood, sweat and sheer determination involved in building a successful business, something that could be passed on to our children to enjoy and prosper as we have. The proposed MSW landfill will generate substantial income for the COW; with unlimited tax payer funds at their disposal, expert witnesses, attorneys and other municipal resources not available to SCWR owners, COW will surely outspend anyone that gets in their way. For this reason, SCWR owners are requesting a contested case hearing; to protect our property rights, health, safety, and livelihood of our business. SCWR owners have mailed additional comments directly to TCEQ, these additional comments outline specific concerns with the proposed MSW landfill. SCWR owners request our additional written comments be added to the permit submitted by COW and considered by the executive director in the preliminary decision. We pray that after the processing and consideration of all formal written and oral public comments, the proposed permit #2400 by COW be denied and/or withdrawn. Respectfully submitted by Brian Ford.



TCEQ Public Meeting Form  
August 15, 2019

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

PLEASE PRINT

Name: Gina Ford

Mailing Address: 1365 Bays Rd.

Physical Address (if different): \_\_\_\_\_

City/State: Astell TX Zip: 76624

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

Email: gford5487@yahoo.com

Phone Number: 254-379-5099

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

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.

*me*

TCEQ Public Meeting Form  
August 15, 2019

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

PLEASE PRINT

Name: MIKE LEE

Mailing Address: ~~34055 TR PARKWAY~~ / 3096 HAPPY SWANER

Physical Address (if different): 4855 TR PARKWAY

City/State: Axtell TX Zip: 76624

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

Email: MRMIKE1954@AOL.COM

Phone Number: 254 744 8687

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

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.

ML

August 8th, 2019

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

MSW  
112581

REVIEWED

AUG 12 2019

By GCW

CHIEF CLERKS OFFICE

2019 AUG 12 AM 9:40

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

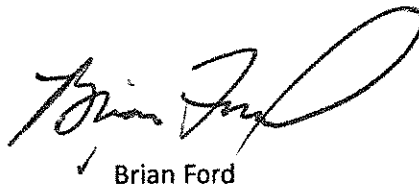
RE: City of Waco – Type 1 Municipal Solid Waste (MSW) landfill Proposed Permit No. 2400

To Whom it May Concern:

Please find attached the comments of Mike Rex Lee and Brian Paul Ford and Gina Marie Ford owners of Southern Cross Whitetail Ranch, offer comments on The City of Waco's application for a proposed Type 1 Municipal Solid Waste Landfill Proposed Permit No. 2400.

Sincerely,

  
Mike Lee

  
Brian Ford

  
Gina Ford

Attachments:

Comments +  
MAP LOCATION

Brian Ford  
1365 Bays Road  
Axtell, Texas 76624  
254-498-1324  
Bford\_srt@yahoo.com



Axtell, Texas

Brian Ford 254-498-1324  
bford\_srt@yahoo.com

Mike Lee 254-744-8687  
mrmike1954@aol.com

*GCW*

**PUBLIC COMMENTS PRESENTED BY MIKE LEE AND BRIAN FORD**

Pursuant to the Notice of application for a Type 1 Municipal Solid Waste (MSW) Landfill Proposed Permit No. 2400, dated August 8, 2018, the Notice of Public Comment / Public Meeting notice received on September 23<sup>rd</sup>, 2019, and pursuant to Chapter 55 of the rules of the Texas Commission on Environmental Quality ("Commission" or "TCEQ"), Mike Lee, Brian Ford and Gina Ford owners of ("Southern Cross Whitetail Ranch") ("SCWR") submit the following written comments to the Executive Director's on the above-referenced application of the City of Waco ("COW") for a Type 1 Municipal Solid Waste ("MSW") Landfill permit in Limestone County, Texas, Proposed Permit No. 2400. Mike Lee, Brian Ford and Gina Ford submit the following comments.

**INTRODUCTION**

The following people file these public comments.

Mike Lee  
3096 Happy Swaner  
Axtell, Texas 76624  
254-744-8687  
Mrmike1954@aol.com

Brian and Gina Ford  
1365 Bays Road  
Axtell, Texas 76624  
254-498-1324  
Bford\_srt@yahoo.com

Southern Cross Whitetail Ranch (physical location)  
4855 T.K. Parkway  
Axtell, Texas 76624  
Owners: Mike Lee, Brian and Gina Ford

## **RELEVANT HISTORY**

Inherent in the permitting process is the full public disclosure of all relevant information by those seeking a permit. The applicant herein, the City of Waco "COW", has misrepresented material facts relating to its application for a Municipal Solid Waste "MSW" permit that would in all likelihood, if granted, adversely affect Southern Cross Whitetail Ranch "SCWR" owners, safety, health, welfare, property rights, including financial impacts to our breeding and hunting operation. The largely inaccurate application has failed to address the impacts on state water quality, floodwater retention, impacts on local wildlife and wildlife habitat, the effects on protected species and/or the health and safety of the owners of SCWR. What is clear, is that the proposed MSW facility is directly across the street from SCWR and less than the required 125' buffer zone outlined in TCEQ's requirements under Section 330.543 (Easements and Buffer Zones) for a new Type 1 landfill. SCWR's proximity to the proposed facility, would result in a constant exposure to trash and debris, noise, increased traffic, odors, airborne contaminants, fly's, mosquitoes, midge fly's that infect deer with EHD and results in death, and other unknown contaminants associated with discharge of Leachate from the facility. COW's application acknowledges the purposed MSW facility will discharging dredged and fill materials into a portion of waters of the United States, water contamination is a major concern and must be addressed. The economic discrimination being shown to SCWR owners by COW unacceptably gambles with the health, safety, welfare and property rights of the owners who are across the street from the purposed MSW facility. There is no mention of the Bald Eagles that nest near the purposed MSW facility in the public notice, no studies have been conducted by the Texas Parks and Wildlife department under the Wildlife Habitat Assessment Program to address the local wildlife population, potential disease's to the whitetail deer raised by SCWR, increased exposure to Epizootic Hemorrhagic Disease "EHD" and/or Chronic Waste Disease "CWD", that results in death and can spread from captive to free-range deer. All potential threats and effects of the purposed MSW facility must be addressed to protect SCWR owners, their business and property rights.

### **Comment 1**

The proposed COW Type 1 MSW facility is directly across the street from SCWR, located to the East of the property and separated by a two-lane county road, the purposed facility does not meet the required Buffer Zone required by TCEQ. Failure to maintain the required Buffer Zone requires the rejection of the current application.

## **Comment 2**

SCWR is physically located at 4855 T.K. Parkway Axtell, Texas, a licensed whitetail deer breeding and hunting operation, regulated by the Texas Parks and Wildlife Department "TPWD". SCWR is registered with TPWD under breeder Serial #TX2843, breeder facility ID# 2501B, the hunting operation is registered under facility ID# 2501R. SCWR was purchased in 2005, the infrastructure took several years to build and the actual breeding program started in 2009.

## **Comment 3**

SCWR objects to the COW application for the proposed MSW facility because no studies were conducted by TPWD under the Wildlife Habitat Assessment Program. COW sent their application to Rick Hanson with TPWD. A response was submitted by Rick Hanson on October 10, 2018, stating he reviewed the application and based on the documentation and description provided by COW, TPWD does not anticipate significant adverse impacts to rare, threatened, or endangered species, or other fish or wildlife. Failure by the TPWD to conduct an actual study, identifying the potential affects to wildlife under the Wildlife Habitat Assessment Program is a requirement under TCEQ's application process. COW and/or TPWD's failure to provide an actual study does not excuse their legal obligations to provide the required information. Failure to provide any information about the adverse impacts to rare, threatened, or endangered species, or other fish or wildlife including the deer raised by SCWR, requires the rejection of the current application.

## **Comment 4**

COW has failed to adequately address the traffic, current road construction and access to the proposed MSW facility located on FM 939 and/or T.K. Parkway. T.K. Parkway is not currently used or maintained for truck traffic associated with an MSW landfill. Such a route would pass directly in front of SCWR, creating unsafe road conditions, traffic, noise, odor and other health and safety issues for SCWR owners and the local residents near the proposed facility. The two-lane road on FM 939 and/or T.K. Parkway is not adequate to support the proposed MSW facility traffic as described by COW. Multiple fatality accidents have occurred at the intersection of Hwy 31 and FM 939 in the past few years, this dangerous intersection is only 0.4 tenths of a mile from the proposed MSW facility. Additional traffic studies, road construction improvements and other safety features need to be addressed to protect the safety of SCWR owners and the local residents. The application does not conform to the provisions of the regional solid waste management plan of the Heart of Texas Council of Governments "HOTCOG",

including impact to local traffic patterns, impacts to the environmental features including the 100-year floodplain, general land use compatibility, and risk to the health and safety of the public who resides in close proximity. COW's failure to provide the required information requires the rejection of the current application.

**Comment 5**

The application has been amended and supplemented after submission of the application to the US Army Corps of Engineers "USACE", HOTCOG, TXDOT and the County, so any prior review or determination by USACE, HOTCOG, TXDOT and the County was not based on the actual application being considered for approval of a permit, and requires the rejection of the current application.

**Comment 6**

The application does not correctly determine and report the existing site-specific conditions that relate to State Water Quality Certifications, the proposed MSW site would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier 1 criteria for the proposed project. COW has not addressed Water Quality, Habitat and Floodwater Retention, by including a baseline water quality assessment, ongoing water quality evaluation or a remediation plan in the event of contamination of state waters as a result of the proposed MSW site; therefore, the current application should be rejected.

**Comment 7**

The proposed facility is not a compatible land use because the proposed facility contains portions of a Soil Conservation Lake known as Site #19 reservoir a USDA site. COW has no mention of consulting with the USDA in connection with the proposed site, they have not addressed the impacts of discharging dredged and fill materials on a Federal Floodwater Retention Facility and/or the environmental impacts associated with discharging contaminants from the proposed MSW facility, therefore the current application should be rejected.

**Comment 8**

The proposed facility encompasses 502 acres, much of which is located in the 100-year floodplain as identified in the current FEMA flood map. Under 30 TAC 330.63, COW is required to

provide information detailing the specific flooding levels and other events that impact the flood protection of the proposed 351-acre facility, and providing data required by 30 TAC 301.33 – 301.36 for the entire 502 acres. The application does not include the required data and therefore the current application should be rejected.

**Comment 9**

The proposed facility does not meet the requirement of 30 TAC 330.547(b) because it's located in the 100-year floodplain and will restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain and/or result in a potential washout of solid waste in Site #19 reservoir which connects to Horse Creek, which joins Williams Creek and Williams Creek flows southwest joining Tehuacana Creek which flows southwest joining the Brazos River, which could pose a hazard to water quality, human health, wildlife habitats and/or the environment.

**Comment 10**

The proposed facility as it currently states, fails to comply with the requirements of 30 TAC 330.307 because it does not include plans outlining suitable levees constructed to provide protection from a 100-year frequency flood, the design must prevent washout of solid waste from the facility. COW has failed to document the required levee construction plans; therefore, the current application should be rejected.

**Comment 11**

The application does not demonstrate compliance with the endangered and threatened species location restrictions in 30 TAC 330.551 and 30 TAC 330.61(n). There is a known pair of Eagles that nest on the proposed site. TCOW officials have verbally indicated that the Eagles would be re-located, which is in direct opposition to the Bald & Golden Eagle Protection Act. COW has no mention of consulting with the Ecological Services Program who are responsible for implementing numerous laws, including the Bald and Golden Eagle Protection Act; therefore, the current application should be rejected.

**Comment 12**

The application's aerial photograph is dated September 7th, 2017 and does not provide current information; therefore, the current application should be rejected.



**Comment 13**

COW failed to provide sufficient information about groundwater and surface water as required by 30 TAC 330.61(k). Site #19 reservoir is a USDA site, and a Texas Special Utility District. The McLennan and Hill Counties Tehuacana Creek Water Improvement District (TCWID) are co-sponsors of the site. TCWID, NRCS, and McLennan County, have had no voice or role in the location, operation, or monitoring of the proposed MSW landfill site; therefore, the current application should be rejected.

**Comment 14**

Under 30 TAC 330.55(a) owners or operators of certain waste management facilities should consult with the TCEQ's Air Permits Division on or before the date that the MSW application is filed with the executive director. The application does not indicate whether such consultation took place. COW has not provided an analysis on whether its proposed landfill operations can comply with the standard air permit; therefore, the current application should be rejected.

**Comment 15**

COW has failed to demonstrate how the facility will comply with 30 TAC 330.55(b) (Water pollution control).

**Comment 16**

COW has failed to demonstrate how the facility will dispose of the liquid leachate produced from the proposed MSW landfill facility. Will the leachate be hard piped to a central location and then removed from the landfill, or left in lined collection retention ponds? COW has failed to address liquid leachate and how it will dispose of the leachate and/or storage along with providing remediation plans in the event of contamination; therefore, the current application should be rejected.

**Comment 17**

COW has failed to demonstrate how they will construct an on-site sewer system noted in the current application. Due to the large amounts of clay in the region, a soil substitution system will not work. If COW is required to use an aerobic system, how will they dispose of sprayed liquid waste generated from the on-site sewer system; therefore, the current application should be rejected.

**Comment 18**

COW's site development plan in the application does not comply with 30 TAC 330.63(a) and does not appropriately consider criteria for the "safeguarding of the health, welfare, and physical property of the people and the environment including water quality, habitat, and floodwater retention; therefore, the current application should be rejected.

**Comment 19**

The general facility design in COW's application does not comply with 30 TAC 330.63(b), including, but not limited to, facility access, waste movement, hours of operation, odor control, sanitation, water pollution control, and endangered species protection over the life of the landfill.

**Comment 20**

COW's waste management design does not comply with 30 TAC 330.63(d) because it fails to account for the conditions over the life of the landfill, easements and existing uses, and features that will prevent the creation of nuisances or public health hazards due to odors, fly breeding, or harborage of other vectors. SCWR deer will be directly affected by diseases carried by flying insects, and other contaminations generated from the purposed MSW facility. SCWR contracts the sale of stocker bucks to other ranches in Texas, the potential spread of diseases to other ranches in the state is a potential threat and liability risk that must be addressed by the COW, TPWD, USDA and other governmental agencies concerned about the risk of spreading Chronic Waste Disease "CWD" in Texas.

**Comment 21**

SCWR's close proximity to the purposed MSW landfill and lack of financial resources to relocate the facility makes them an affected person by definition and constitutes an Inverse Condemnation and taking of their property and/or loss of use and/or loss of value to their property. COW's failure to provide full and correct information about the scope and operations of the proposed facility can have but one purpose, to hide the actual strategy for the proposed facility from those who will be most adversely affected. COW appears to be shifting the cost and exposure to SCWR owners, a price they will pay with their health, safety, and livelihood of their property. The incomplete application of COW should be denied.

**Comment 22**

SCWR owner's health and welfare and livelihood will be disproportionately affected by the proposed COW's MSW facility. TCEQ has the legal obligation to ensure that the state has complied with Title VI of the Civil Rights Act of 1964. While the current situation appears to be economic discrimination, the duty remains with the state to ensure that the proposed permit of the MSW facility is not in violation of Title VI. COW has not demonstrated compliance with Title VI in its permitting process. TCEQ should order COW to conduct a disproportionate impact assessment for the proposed MSW landfill; therefore, the current application should be rejected.

**Comment 23**

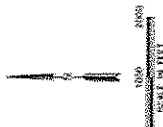
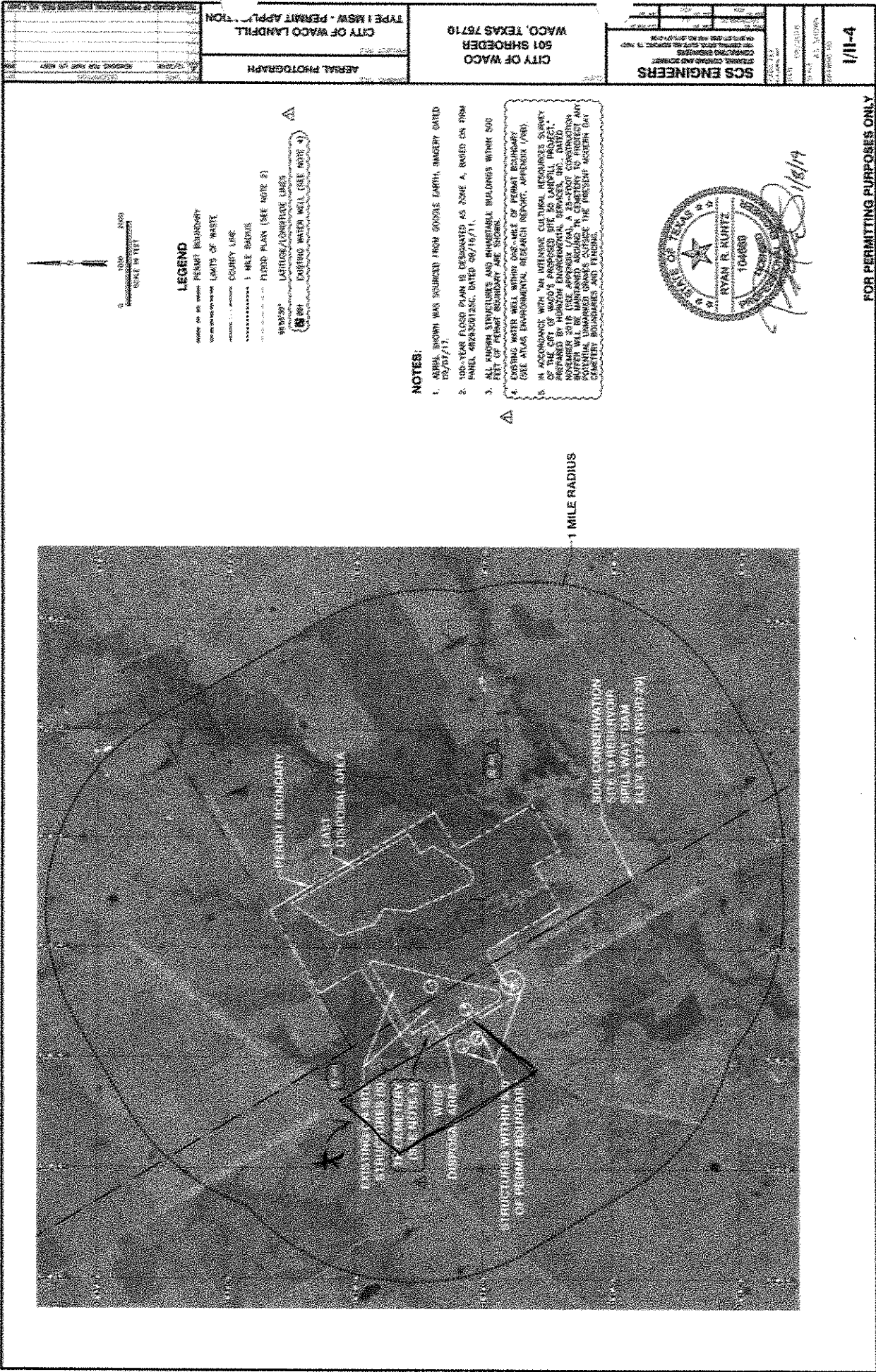
SCWR hereby adopts and incorporates the comments filed by Mike Lee and Brian and Gina Ford.

**CONCLUSION AND PRAYER**

The proposed MSW landfill to be built and operated by COW in Limestone County, poses a serious risk to the health and safety and the property rights of SCWR owners Mike Lee, Brian and Gina Ford, as well as causing significant damage to Southern Cross Whitetail Ranch breeding and hunting operation. In addition, SCWR contracts the sale of stocker bucks to other ranches in Texas, the potential spread of diseases to other ranches in the state is a real and potential liability risk that must be addressed and acknowledged by the COW, TPWD, USDA, US Army Corps of Engineers and other intergovernmental agencies concerned about the risk of spreading Chronic Waste Disease "CWD" in Texas. SCWR take pride in the land we have been so fortunate to own and oversee until the next generation of our family can take over. We have countless hours of blood, sweat and sheer determination involved in building a successful business, something that could be passed on to our children to enjoy and prosper as we have. The total economic impact of the Texas deer breeding and hunting operations has been reported to be \$1.6 billion annually by the Agricultural and Food Policy Center ("AFPC"), including supporting 16,892 jobs in the state. The report generated by AFPC was performed in mid-2016 and highlight the fact that the deer breeding industry is a growing and important segment of the Texas economy, contributing to the vitality of rural areas of the state. The purposed MSW landfill will generate substantial income for the COW; with unlimited tax payer funds at their disposal, expert witnesses, attorneys and other municipal resources not available to SCWR owners, COW will surely outspend anyone that gets in their way. We pray that the powers within the TCEQ and other intergovernmental agencies will diligently seek to protect the interest of SCWR owner's property rights,

health, safety, and livelihood of their business. For reasons set forth herein, as well as all other written public comments and any oral comments from a public meeting, be considered by the executive director in accordance with Chapter 55, Subchapter E of the Commission's rules, and that after the processing and consideration of all formal written and oral public comments, the executive director's preliminary decision and the purposed permit #2400 by COW, be denied and/or withdrawn.

\* Southern Cross Permit Location  
 4855 T.K. Pkwy Aptell, TX 76024

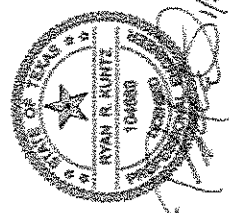


**LEGEND**

- PERMIT BOUNDARY
- LIMITS OF WASTE
- COUNTY LINE
- 1 MILE RADIUS
- FLOOD PLAN (SEE NOTE #2)
- LOTS/LAND/OWNER LINES
- EXISTING WATER WELL (SEE NOTE #1)

**NOTES:**

1. AMBIL SNOW WAS SOURCED FROM GOOSE EARTH, BINGERT DATED 02/27/17.
2. 100-YEAR FLOOD PLAN IS DESIGNATED AS ZONE A, BASED ON DSM PANEL 48243010C, DATED 08/16/11.
3. ALL SUBSOIL STRUCTURES AND HORIZONTAL BOUNDARIES WITHIN 500' EXT. OF PERMIT BOUNDARY ARE SHOWN.
4. EXISTING WATER WELL WITHIN DISTANCE OF PERMIT BOUNDARY USE PROS. ENVIRONMENTAL REPORTING REPORT, APPENDIX (VAND).
5. IN ACCORDANCE WITH AN INTERVIEW CULTURAL RESOURCES SURVEY BY THE CITY OF WACO'S ENVIRONMENTAL SERVICES, INC. DATED 08/16/11, THERE ARE NO KNOWN CULTURAL RESOURCES WITHIN THE PROJECT AREA. THE SURVEY WILL BE LIMITED ACCORDING TO THE PROJECT AREA PATTERNS, UNMARKED GRADES OUTSIDE THE PERMIT BOUNDARY, EXISTING BOUNDARIES AND FENCIBLES.



FOR PERMITTING PURPOSES ONLY

I/11-4

PROJECT NO.	DATE
PROJECT NAME	SCALE
PROJECT LOCATION	PROJECT NUMBER
PROJECT DESCRIPTION	PROJECT STATUS
PROJECT OWNER	PROJECT CONTACT
PROJECT ADDRESS	PROJECT PHONE
PROJECT CITY	PROJECT STATE
PROJECT ZIP	PROJECT COUNTY
PROJECT ELEVATION	PROJECT AREA
PROJECT PERMIT	PROJECT TYPE
PROJECT CLASS	PROJECT CODE
PROJECT STATUS	PROJECT DATE
PROJECT NO.	PROJECT DATE

CITY OF WACO  
 501 SHROEDER  
 WACO, TEXAS 76710

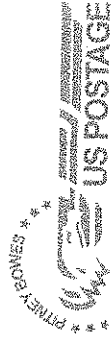
AERIAL PHOTOGRAPH  
 CITY OF WACO LANDFILL  
 TYPE I MSW - PERMIT APPLICATION

SCS ENGINEERS  
 104880  
 RYAN R. KUNTZ

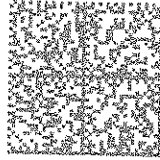
Brian + Gina Ford  
1365 Days Road  
Axtell, Tx 76624

DALLAS  
DALLAS 750  
09 AUG '19  
PM 7 L

FIRST-CLASS



02 1P  
001221460  
AUG 09 2019  
MAILED FROM ZIP CODE 76712



TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2019 AUG 12 AM 9:40

CHIEF CLERKS OFFICE

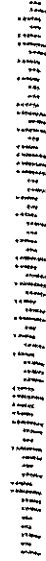
Chief Clerk's office, MC 105  
TCEQ  
P.O. Box 13087  
Austin, Texas 78711-3087

RECEIVED

AUG 12 2019

TCEQ MAIL SERVICES  
WT

78711-308797



**Marisa Weber**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, September 6, 2018 2:32 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD  
**Subject:** FW: Public comment on Permit Number 2400

**From:** bford\_srt@yahoo.com <bford\_srt@yahoo.com>  
**Sent:** Thursday, September 6, 2018 2:03 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:** MCLENNAN

**PRINCIPAL NAME:** CITY OF WACO

**CN NUMBER:** CN600131940

**FROM**

**NAME:** Brian Paul Ford (Additional names on back)

**E-MAIL:** [bford\\_srt@yahoo.com](mailto:bford_srt@yahoo.com)

**COMPANY:** Southern Cross Whitetail Ranch

**ADDRESS:** 1365 BAYS RD  
AXTELL TX 76624-1100

**PHONE:** 2544981324

**FAX:**

**COMMENTS:** My name is Brian Ford and my business partner, Mike Lee and I own and operate Southern Cross Whitetail Ranch located at 4855 T.K. Parkway Axtell, Texas. The purposed landfill site on T.K. Parkway is directly across from our breeding facility and hunting ranch. We have been breeding and raising Whitetail deer and providing Hunting Services on our ranch since 2008. The purposed landfill site will directly affect our breading and hunting operation due to added commercial vehicle traffic, noise levels and potential pollutants to the air and water. If the purposed landfill site is granted, it will directly impact our breeding operation due to the added stress put on the deer which will ultimately put

us out of business. Like many other citizens in our close nit farming community, we take pride in the land we have been so fortunate to own and oversee until the next generation can take over. We have countless hours of blood, sweat and shear determination involved in building a successful business that could be passed on to our children to enjoy and prosper as we have. The purposed landfill will generate substantial income for the City of Waco; with unlimited tax payer funds at their disposal, The City of Waco will surely outspend anyone that gets in their way. We pray that the powers within the TCEQ will protect our interest as a small business owner, protect the local wildlife which includes Bald Eagles that live and hunt near the conservation lake, and protect our surface and ground water sources that supply our community. We understand you have a difficult decision; we only ask that you consider the facts, survey the property thoroughly and determine all the potential impacts the landfill will create. A Quote from President Theodore Roosevelt worth consideration "I recognize the right and duty of this generation to develop and use the natural resources of our land; but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us. Respectfully submitted: Brian Ford, Gina Ford, Ryan Ford, Lauren Ford, Alec Ford, Mike Lee and Michelle Lee.

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