Ellie Guerra

From:

PUBCOMMENT-OCC

Sent:

Monday, February 27, 2023 11:08 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Н

From: iesheia@hotmail.com <iesheia@hotmail.com>

Sent: Thursday, February 23, 2023 1:21 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER: 2023-0265-MSW

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: lesheia Ayers-Wilson

EMAIL: iesheia@hotmail.com

COMPANY:

ADDRESS: 10235 MOROCCO RD HOUSTON TX 77041-7429

PHONE: 8329083887

FAX:

COMMENTS: Feb. 21, 2023 Ms. Laurie Gharis, Chief Clerk TCEQ, MC-105 PO BOX 13087 Austin, TX 78711-3087 Re: Request for a Contested Case Hearing by Carverdale Civic Club, a 501 (C) (3) Charitable Organization located in Carverdale, within a one-mile distance of where the Hawthorn Park Recycling and Disposal Facility/ USA Waste of Texas Landfills Inc is located. Dear Ms. Gharis: Thank You for granting our community the opportunity to request a Contested Hearing. Please allow this letter to serve as notice that "We Request a Contested Case Hearing" pursuant to all

applicable rules and regulations of the Texas Commission on Environment Quality because we do not believe that Permit Number 2185A is permissible in fact or law. Carverdale Civic Club, a 501 (C) (3) Charitable Organization. Dr. Pamela Roberson is the club President. The community activities take place less than one mile from the Landfill facility. Dr. Pamela Roberson, also a homeowner in Carverdale at 10267 Morocco Rd Houston, TX 77041 and the designated representative for receiving future correspondence regarding this matter at Carverdale Civic Club 832-693-5758 Carverdale Civic Club meets all four of the following requirements: 1. Comments on the application are timely submitted. 2. Individual members of the group adversely affected by the facility, including Dr. Pamela Roberson 10267 Morocco Rd Houston, TX 77041 832-693-5758, are landowners within one-mile distance of where the Hawthorn Park Recycling and Disposal Facility/ USA Waste of Texas Landfills Inc, is located, and have standing to request a hearing on their own right. 3. The interests that Carverdale Civic Club seeks to protect the organization's charitable purposes. 4. Neither the claim asserted nor the relief requested requires the participation of the individual members of this case. Technical and Compliance Issues with Draft Permit: Comments: Attachment 1 Comment 1/Response 1-General Comments; Attachment 2 Comment 2/Response 2- General Comments; Attachment 4 Comment 6/Response 6- Air Quality; Comment 13/ Response 13- Flooding; Attachment 7 Comment 14/ Response 14- Health and Safety; Attachment 13 Comment 54/ Response 54 Traffic and Road Conditions; Attachment 16 Comment 65/ Response 65-Notice and Public Participation Comment 1- Generally oppose the proposed change to the facility being within one mile of our residence (Carverdale Civic Club Current Dr. President Pamela Roberson 10267 Morocco Rd Houston, TX 77041) Comment 2-Impact the facility will have on the environment- We have a Civic Club member who lives directly across the street from the location where the facility wants to locate. (Carverdale Civic Club current President Dr. Pamela Roberson 10267 Morocco Rd Houston, TX 77041) Comment 6- Concerned with the increase in Air Pollution and lower Air Quality- A business owner that is located directly across from the proposed facility commented that air pollutants tend to settle on the ground and vegetation, which could negatively affect the health of children who will use their facilities and the organization's horses. (Carverdale Civic Club Current President Dr. Pamela Roberson 10267 Morocco Rd Houston, TX 77041) Comments 13- Flooding-The community raised concerns regarding flood patterns in and around the facility and within one mile? According to 30 TAC 330.55 (b) states: Prohibiting from dumping water cannot change the flow of water. Question- Which detention basin would they be using because, according to the statute listed, they would be prohibited from using existing detention basins? Also, how can they account for the acres-feet to hold the displaced water mentioned about the basin? If it is already full, then where is the water going? (Carverdale Civic Club Current President Dr. Pamela Roberson 10267 Morocco Rd Houston, TX 77041) Comment 14-Health and Safety Community has concerns that the facility will harm the health, safety, and quality of life of community members within the one mile. (Carverdale Civic Club Current President Dr. Pamela Roberson 10267 Morocco Rd Houston, TX 77041) Comment 54-Traffic and Road Conditions Several: comments are concerned about the traffic increase in our residential neighborhood. Also, the delay it would cause with our children getting to and from school as well as our community members getting to work. Also, a business owner who is located on Tanner Rd has submitted photos of the road conditions as well. (Carverdale Civic Club, Current President Dr. Pamela Roberson 10267 Morocco Rd Houston, TX 77041) Comment 65-Notice and Public Participation County Leaders, City Leaders, Business Owners, and the Community requested the public meeting due to the virtual being an inadequate forum to address the concerns. (Carverdale Civic Club Current President Dr. Pamela Roberson 10267 Morocco Rd Houston, TX 77041)

TCEQ Registration Form

June 28, 2022

USA Waste of Texas Landfills, Inc. Proposed Amendment to Municipal Solid Waste Permit Number 2185A

PLEASE PRINT
Name: Tesheia Ayera-wilson
Name: Tesheia Oyera-wilson Mailing Address: 10235 MOROCCO Rel
Physical Address (if different):
City/State: Hou, TX zip: 7704/
This information is subject to public disclosure under the Texas Public Information Act Email: Leshera & Manager Com
Phone Number: (832) 908-3887
• Are you here today representing a municipality, legislator, agency, or group? Yes \(\text{No}\) If yes, which one? \(\text{UNE Stav College Trustee} \) Resident
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)

I esheia Ajeva-Wilson 10235 Morocco RU HITX 77041

The presentation showed water gong to a detention hasm.

the bacin is already full.

The hasin is an a location the water cannot get to.

The additional height will displace more water.

What's going on whe Premptive Remitting Wout requiring the review Process ? [This should not Can the community get acopy of the Air Quality Report for Intercont. Airport &

reantionalin (the previous meeting on Le/21/21.

s the TCER hands tied on the Preemptive Permitting?

JUN 2 8 2022 AT PUBLIC MEETING his sounds like fast tracki

TCEQ Public Meeting Form

PLI	EASE PRINT
Nar	me:
Ma	iling Address:
Phy	vsical Address (if different):
City	y/State: Zip:
	ail:
	E-mail addresses are subject to public disclosure under the Texas Public Information Act
Pho	ne Number: ()
• ,	Are you here today representing a municipality, legislator, agency, or group?
	If yes, which one?
	Please add me to the mailing list.
	I wish to provide formal ORAL COMMENTS at tonight's public meeting.
Ġ	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.

MSW 123200

Debbie Zachary

From:

PUBCOMMENT-OCC

Sent:

Wednesday, June 22, 2022 2:10 PM

To:

PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC

Subject:

FW: Public comment on Permit Number 2185A

From: IESHEIA@HOTMAIL.COM < IESHEIA@HOTMAIL.COM>

Sent: Wednesday, June 22, 2022 11:31 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: lesheia Ayers-wilson

EMAIL: IESHEIA@HOTMAIL.COM

COMPANY:

ADDRESS: 10235 MOROCCO RD HOUSTON TX 77041-7429

PHONE: 8329083887

FAX:

COMMENTS: Hello, I am submitting my comments in writing. I am really asking that you please do not allow this Landfill to expand in my community. The devastation it has/will further cause would be an unjust and economically disadvantage. We can all agree that Yes we need landfills just not in my neighborhood or in any neighborhood for that matter. Where where people live is where they call there homestead hoping to raise their families in an environment that is going to be detrimental to ones health. Not one that would decrease their property value. I ask if you would want

it in your community? The answer will be No, so we are asking for the same respect. Please consider the voices of the community when we say No we don't want it. Just because an application is filled out properly does not mean it is worthy for approval. We are asking t please DENY this Expansion PLEASE!!!

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

MY COMMENT: I am opposed to the expansion of the existing landfill in Carverdale, the Hawthorn Park Landfill (HPL), and therefore I am asking the Texas Commission on Environmental Quality (TCEQ) to deny Permit Number 2185A, The Hawthorn Park Recycling and Disposal Facility. Additionally, I am asking the TCEQ to permanently close the HPL, the existing landfill, because it removes Carverdale's ability to thrive as a neighborhood and impedes the ability of Carverdale residents to live, work and learn in a healthy environment.

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e-mail address: Lesheia	@ hotmail.com	η <u>Λου 1.2.297</u>
		Ga
First Name: <u>Lesheia</u> M	iddle Name: Last Name:	Auers
		202 ©14
Control No. 18 Control No. 11 A		CHIEF CLERKS OFFIGE
Company Name (if applicable):		
		-
Mailing Address: 10235 V	Morocco Rd	AM 9:
-		9: 5
city: Houston	T/	77041
City: TIOUS (DIT	State:\X	ZIP Code:
You may submit your comme	ent electronically at: www14.tce	q.texas.gov/epic/eComment/
	, , , , , , , , , , , , , , , , , , ,	
Alternate ways to Comment:		
Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
TCEQ	TCEQ	* * Note: All comments
PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the

mail within three days.

18007731218

From: Myra Jefferson

FAX COVER SHEET

TO	
COMPANY	
FAXNUMBER	15122393311
FROM	MyraJefferson
DATE	2022-04-05 01:36:42 GMT
RE	TCEQ Permit Number 2185A, Hawthorn Park Recycling and
DisposalFacility	

COVER MESSAGE

To Whom It May Concern,

Attached are petitions submitted by Carverdale residents at the Carverdale Community Center Event on April 4, 2022. Thank you.

Myra Jefferson

TCEQ

PO Box 13087

Austin, TX 78711-3087

* * Note: All comments

submitted by fax must be

followed by a hard copy in the mail within three days.

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

MY COMMENT: I am opposed to the expansion of the existing landfill in Carverdale, the Hawthorn Park Landfill (HPL), and therefore I am asking the Texas Commission on Environmental Quality (TCEQ) to deny Permit Number 2185A, The Hawthorn Park Recycling and Disposal Facility. Additionally, I am asking the TCEQ to permanently close the HPL, the existing landfill, because it removes Carverdale's ability to thrive as a neighborhood and impedes the ability of Carverdale residents to live, work and learn in a healthy environment.

e-mail address: Lesheice	@ chotmail.co	77
First Name: Teshera M	iiddle Name:Last Name:	Agers
Company Name (if applicable)		
company marite (ii apprication)		APR 0 5 2022
Mailing Address: 10235 V	Moraco Ra	BY 600
city: Houston	State: TX	ZIP Code: 기연니
		r (optional)
You may submit your comme	ent electronically at: www14.tce	q.texas.gov/epic/eComment/
Alternate ways to Comment:		
Mail to: Office of the Chief Clerk, MC 105	Courier or hand-deliver to: Office of the Chief Clerk	Fax: 512-239-3311

12100 Park 35 Circle, Bldg. F

Austin, TX 78753

TCEQ

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Wednesday, January 19, 2022 3:27 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

PM

From: iesheia@hotmail.com <iesheia@hotmail.com>

Sent: Tuesday, January 18, 2022 7:15 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: lesheia Wilson

E-MAIL: iesheia@hotmail.com

COMPANY:

ADDRESS: 10235 MOROCCO RD HOUSTON TX 77041-7429

PHONE: 8329083887

FAX:

COMMENTS: Hello, I was born and raised in Carverdale and I am AGAINST this landfill. This would hurt our community for a life time. We are in process of rebuilding from previous leadership and this would "Dump" would hurt the communities property value along with cause other health issues. Back in June I ask Hawthorne did they have a Dump in THEIR community and the answer was no why would we??? This to me says a lot about how they fell about black and brown people. I did ask if they could purchase another dump site the answer was "Yes", but they didn't want to.(It is on

video in case you would like a copy). I pled with you to hear our cry for not approving these permits. I pray we can have this meeting in person. Please deny on behalf of our children. We have new leadership in our community please speak with us please do hurt us more than what we are already hurting. Thank you, Lone Star Trustee lesheia Ayers-Wilson I would love to give you a tour please call me 832-908-3887

From:

PUBCOMMENT-OCC

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Date: Attachments: Friday, July 2, 2021 2:54:30 PM Community Petitions 2185A 3.pdf

From: mchenrybev@aol.com <mchenrybev@aol.com>

Sent: Friday, July 2, 2021 11:11 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK LANDFILL

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Beverly Ann McHenry

E-MAIL: mchenrybev@aol.com

COMPANY: Harris

ADDRESS: 19107 MILL FERRY LN

KATY TX 77449-5244

PHONE: 8325493063

FAX:

COMMENTS: I am a property owner in the Carverdale community. I spent my entire childhood in the community, and I strongly oppose allowing another landfill in our community. I, along with other community members, do not wish to add another eye soar in Carverdale. I will be working diligently to ensure this is not approved. Attached you will find signed petitions from the community and more to come.

PETITION AGAINST PROPOSED USA WASTE OF TEXAS LANDFILL EXPANSION (HAWTORN PARK RECYCLING AND DISPOSAL FACILITY)

June 16, 2021

To Whom It May Concern:

This letter serves as a petition to Chance Goodin, Texas Commission on Environmental Quality, MSW Permits Section; City of Houston; and other Texas Governmental Entities, including, but not limited to R. Jack Cagle, Commissioner, Harris County Precinct 4, Sylvester Turner, City Mayor, Stephen Williams, Director, City Health Authority, Lina Hidalgo, Harris County Judge, et al, as named in TCEQ Permit MW-2185A.

The circumstances surrounding my petition are: USA Waste of Texas Landfills, Inc. has requested a permit amendment application authorizing a vertical and lateral expansion of the existing Hawthorn Park Recycling and Disposal Facility, a Type IV municipal solid waste facility located at North of Tanner Road, West of Gessner and East of Sam Houston Parkway in Houston Harris County, Texas 77041. The maximum final contour elevation of the expanded facility will increase from approximately 136.4 ft-msl to approximately 227.2 ft-msl. It is projected the facility's waste acceptance will reach a maximum of approximately 340,000 tons per year and will have an active site life of approximately 46.3 years. Facilities that will be negatively impacted by this expansion include residences, commercial establishments, schools, licensed day-care facilities, churches, cemeteries, ponds, lakes and recreational areas. Negative environmental impact will include water, air, vegetation and wetlands.

As a result of USA Waste of Texas Landfills, Inc.'s proposed Permit Amendment, TCEQ Permit MW-2185A, I, the undersigned, petition that we reverse course of this application. The health and safety of the Carverdale Community and surrounding area are at risk.

Your favorable consideration of my request would be greatly appreciated.

Sincerely,

(Signature)					
Printed Name: <u>Leshera Ayers</u>					
Affiliation: Carverdale Residence					
(Carverdale Residence or Member of Area Church)					
Contact Information: iesheia Ohotmail. com					
(Cell Phone or Email Address)					
Date Signed: 6/24/2/					

Melissa Schmidt

From:

PUBCOMMENT-OCC

Sent:

Tuesday, June 29, 2021 5:49 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

PM

From: iesheia@hotmail.com <iesheia@hotmail.com>

Sent: Tuesday, June 29, 2021 4:31 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK LANDFILL

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: lesheia Ayers-Wilson

E-MAIL: iesheia@hotmail.com

COMPANY:

ADDRESS: 10235 MOROCCO RD HOUSTON TX 77041-7429

PHONE: 8329083887

FAX:

COMMENTS: Hello TCEQ, I'm a long time resident of the suddivision Carverdale in Houston, TX. To add, my family has been in this community since 1957 (when it was dirt roads) We're a historical and proud black community that dates back to 1895. The citizens of Carverdale oppose the expansion of the Hawthorne Park Recycling and Disposal Facility and any other business of this nature in this resisdential area. An expansion would bring harm our community in was you can only imagine. Health, property value, crowded roads along with a host of other things. I am asking you all not approve

the permits for this expansion. As a community we are willing to meet with you so you can hear our concerns first hand from our Pastors to the residents. If no one else is concerned we are concerned. WE DON'T WANT THIS FACILITY EXPANSION IN OUR COMMUNITY!

Ellie Guerra

From:

PUBCOMMENT-OCC

Sent:

Monday, February 27, 2023 11:12 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

FINAL- Request for CCH & Reconsideration (Jefferson, M & Hudson, G) 02.23.2023.pdf

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RFR

From: nbahri@lonestarlegal.org < nbahri@lonestarlegal.org >

Sent: Thursday, February 23, 2023 2:39 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER: 2023-0265-MSW

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Natasha Bahri

EMAIL: nbahri@lonestarlegal.org

COMPANY: Lone Star Legal Aid

ADDRESS: PO BOX 396 HOUSTON TX 77001-0396

PHONE: 7136520077

FAX:

COMMENTS: Please see attached for Request for CCH and Request for Reconsideration on behalf of both Myra Jefferson and Gregory Hudson, individually.

PAUL FURRH, JR. Attorney at Law Chief Executive Officer

ERNEST W. BROWN, JR. Attorney at Law Deputy Director

SAPNA AIYER
Directing Attorney

MARTHA OROZCO Project Director Directing Attorney



Lone Star Legal Aid
Equitable Development Initiative

AMY DINN KIMBERLY BROWN MYLES Managing Attorneys

NATASHA BAHRI CHASE PORTER AMANDA POWELL VELIMIR RASIC Staff Attorneys

Mailing Address: P.O Box 398 Houston, Texas 77001-0398

713-652-0077 x 8108 800-733-8394 Toll-free

February 23, 2023

Via TCEQ e-Filing System
Laurie Gharis,
Chief Clerk, MC 105
Texas Commission on Environmental Quality
PO Box 13087
Austin TX 78711-3087

Re: Request for Reconsideration of MSW Permit No. 2185A—USA Waste of Texas Landfills, Inc. and Request for Contested Case Hearing

On behalf of Myra Jefferson and Gregory Hudson ("Requestors"), Lone Star Legal Aid ("LSLA") submits this Request for Reconsideration and Request for Contested Case Hearing concerning the above-referenced application by USA Waste of Texas Landfills, Inc. ("Applicant") for a major amendment authorizing the vertical and lateral expansion of the Hawthorne Park Recycling and Disposal Facility ("Facility" or "Landfill"), a Type IV Municipal Solid Waste Landfill located at 10550 Tanner Road, Houston, Texas 77041. If granted, MSW Permit 2185A (the "Draft Permit" or "Amended Permit") will only lead to the further environmental degradation of the Carverdale neighborhood, will exacerbate already existing environmental justice issues, and will result in a permanent source of offsite nuisance impacts for Ms. Jefferson, Mr. Hudson, and and their neighborhood.

As discussed further below, there are many disputed issues that must be considered before the Commission grants this Amended Permit. Accordingly, Ms. Jefferson and Mr. Hudson request a contested case hearing regarding this permit based on their affected person statuses. Alternatively, they request reconsideration of the Executive Director's decision. Requestors may be contacted through undersigned counsel.

I. Request for Contested Case Hearing

Both Ms. Jefferson and Mr. Hudson are "affected persons" for purposes of a Contested Case Hearing ("CCH") pursuant to 30 TAC § 55.203. An "affected person" is defined as one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application, all of which apply to Ms. Jefferson and Mr. Hudson. 30 TAC § 55.203. Furthermore, Ms. Jefferson and Mr. Hudson timely submitted comments on the permit application both in writing and during the public meetings and are therefore eligible for "affected person" status. TWC § 5.115(a-1)(2)(B).

When "determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:

(1) whether the interest claimed is one protected by the law under which the application will be considered; (2) distance restrictions or other limitations imposed by law on the affected interest; (3) whether a reasonable relationship exists between the interest claimed and the activity regulated; (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person; (5) likely impact of the regulated activity on use of the impacted natural resource by the person; (6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; an (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application. 30 T.A.C § 55. 203(c).

Additionally, for permits filed after September 1, 2015, the commission may also consider the following:

(1) the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance; (2) the analysis and opinions of the executive director; and (3) any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor. 30 T.A.C § 55. 203(d).

A) Ms. Jefferson's "Affected Person" Status

Ms. Jefferson has a personal justiciable interest related to the Permit. As a local resident of the community in which the Facility is housed and expanding, Ms. Jefferson has a legal right under Tex. Health & Safety Code § 361.002 to have her health, welfare, and physical property safeguarded and the environment protected by having the management of solid waste properly controlled through permitting. As the ED notes, TCEQ's rules are designed to be protective of human health and the environment. Therefore, Ms. Jefferson has significant interest in ensuring any solid waste permit issued to the Applicant complies with all applicable statutory and regulatory requirements and addresses all health and safety risks

¹ RTC at 3.

posed by the expansion of this Facility, including any exacerbation of health issues and increased health impacts to the community, her neighbors, her family, and herself.

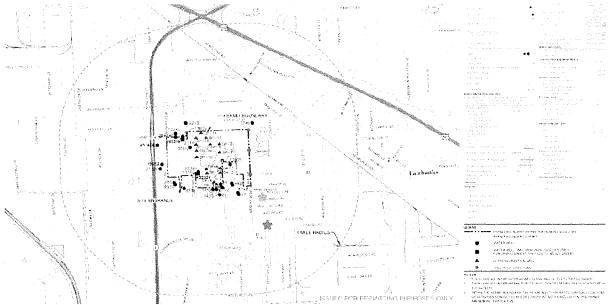


Figure 1: From Permit Materials Showing One Mile Radius from Facility

Ms. Jefferson is greatly personally affected by this Permit in a way not common to the general public as she resides within one-mile radius of the Facility's perimeter and also engages in activities in and around the perimeter on a weekly basis. Specifically, Ms. Jefferson has resided in her home at her current address of 5417 Gessner Road, Houston, Texas 77041 since 2013 (represented by the green star on Figure 1 above). Prior to that, she operated her non-profit 501(C)(3) organization, Revitalize America Partnership, Inc., out of the same address beginning in 1995, after inheriting the property from her mother. She previously resided at 10122 Porto Rico Road, Houston, Texas 77041 from 1962 to 1967, and then at 10278 Algiers Street, Houston, Texas 77041 from 1967 until her mother's death in 1995. These three addresses—her current address and her previous two residences—are all within two blocks of one another, all within a few blocks of the Facility's southeastern-most boundary, and all certainly within the one-mile radius of the Landfill's perimeter. As a long-time resident of the Carverdale neighborhood she has seen the neighborhood change, becoming more industrialized and ever more burdened by sources of environmental hazards.

Ms. Jefferson drives up and down Tanner Road on a weekly basis, taking her all along the southern boundary of the Facility. During the lifetime of the Landfill, Ms. Jefferson has had to bear the burden of the Facility's activities. These burdens include: odors and dust emanating from the facility; induced flooding across her residential streets; rodent and other animal infestations due to the accumulating waste; truck traffic destroying poorly maintained residential streets; and windblown waste from the Facility spreading across the neighborhood. Ms. Jefferson is constantly forced to clean and remove the dust and windblown waste from both her real and personal property. Ms. Jefferson further experiences nuisance odors at and around her residence which she attributes to the Landfill, and also fears she will have to endure alarming

flooding from rain caused by the vertical and lateral expansion of the Facility. She is undoubtedly an "affected person" with respect to this Application.

B) Mr. Hudson's "Affected Person" Status

Mr. Hudson similarly has a personal justiciable interest in ensuring any solid waste permit issued to the Applicant complies with all applicable statutory and regulatory requirements and addresses all health and safety risks posed by the expansion of this Facility, including any exacerbation of health issues and increased health impacts to the community, his neighbors, his family, and himself.

Mr. Hudson resides at 10222 Morocco Road, Houston, Texas 77041. His residence is represented by the **orange-colored star on the map in Figure 1 above** which clearly demonstrates that he lives within one mile of the Landfill. He is in fact, a mere one block from Tanner Road, which serves as the southern boundary of the Landfill. Mr. Hudson suffers from asthma and has found that in the past his asthma symptoms are worsened when dust from the Landfill is in the air, when it comes across the neighborhood and lands on his home and his personal property, and when he is forced to clean the Landfill dust off his personal property. As a longtime resident of Carverdale at his current address (35 years), Mr. Hudson often travels past the Landfill on Tanner Road and Gessner while going about his day to visit friends or run his necessary errands. Driving past the Landfill and having to suffer through its offsite impacts has become a normal part of Mr. Hudson's life.

Requestors are each affected in way not common to the general public because of their proximity to the Landfill, its current nuisance impacts on their person and personal property, and because of the impact that the Landfill's expansion will have on their health, their well-being, their property, and the surrounding environment. Accordingly, they are both "affected persons" with respect to this Application, and should be granted such status for a CCH if TCEQ opts not to reconsider the Amended Permit.

II. LEGAL STANDARD FOR TYPE IV MUNICIPAL SOLID WASTE PERMIT

Municipal Solid Waste facilities ("MSW") are generally governed by Chapter 330 of the Texas Administrative Code. A Type IV Municipal Solid Waste facility, such as the one Applicant is attempting to expand, is one that may only accept brush, construction, or demolition waste, and/or rubbish. 30 TAC § 330.5(a)(2).

III. DISPUTED ISSUES

The following are disputed issues raised by Ms. Jefferson and Mr. Hudson during the public comment period and addressed by the Executive Director in the Response to Comments ("RTC"). All are relevant and material issues of fact and/or law with respect to this Amended Permit for referral to SOAH. 30 TAC § 55.201(d)(4)(B).

A) Expansion Issues: Requestors have many concerns with respect to the Applicant's application for a major amendment to the Facility involving a lateral and vertical expansion and dispute these issues have been adequately addressed by the ED's RTC. The expansion of this solid waste facility will not be protective of human health or the environment, which is a primary concern for consideration in issuing MSW permits.

30 TAC § 330.61(d). Prior to expansion, Requestors experienced a range of environmental and health issued related to the Facility's operations, and a permit allowing the expansion of the Facility will only exacerbate the lack of protection. Furthermore, the Applicant now attempts to incorporate a closed Type IV facility into its boundaries, without appropriately applying Subchapter T of Chapter 330 related to Use of Land Over Closed Municipal Solid Waste Landfills.

Closure of Landfill

The Facility has been in operation for more than forty years and was, before the submission of the Draft Permit, only a few years away from complete closure. Applicant admits it intends to include a closed Type IV landfill (Permit No. MSW 1135), previously owned by Sanifill of Texas, Inc., in the Facility's boundaries with this major amendment to Permit 2185A.² This landfill completed all post-closure care maintenance in the year 2000, and nevertheless, the landfill continued to operate. The ED contends this closed landfill was never a part of Applicant's permit boundary before³, but Requestors have reason to believe otherwise based on their own personal knowledge as set forth in their public comments.

Furthermore, to the extent Applicant now attempts to incorporate a closed Type IV facility into its boundaries it must comply with Subchapter T of Chapter 330 related to Use of Land Over Closed Municipal Solid Waste Landfills. This includes a soil test and development permit. 30 TAC § 330.951 *et seq*. There are questions as to whether Applicant obtained the proper permits for operating over a closed landfill, and despite the RTC addressing Permit MSW 1135, little is done to determine whether the major amendment to 2185A is technically complete on this basis.

Increased Capacity

Requestors are also concerned with the dramatic increase of the capacity of the Facility, which, if granted, will be increasing from approximately 7,600,000 cubic yards to 16,000,000 cubic yards. The Facility will go from processing waste at the initial rate of 150,000 tons per year to 340,000 tons per year. The ED contends this increase should not adversely impact human health or the environment⁴, but Requestors dispute that 340,000 tons of waste per year being processed near their homes would safeguard their health, welfare, and physical property. 30 TAC § 330.63(a).

² Application, Vol. 1, Pt. 1.

³ RTC at 32.

⁴ RTC at 27.

Buffer Zones

Requestors maintain that the 50-foot buffer zone proposed by Applicant is insufficient for a vertical and lateral expansion of an existing facility and should be greater. 30 TAC §330.543(b).⁵

Above-Ground/Vertical Expansion is Not Viable/Unstable

Requestors also expressed concerns about expanding the Facility vertically atop an old landfill and existing waste. The proposed location of the Facility is an unstable area under 30 TAC §330.559 and Requestors assert that Applicant did not demonstrate that engineering measures have been incorporated into the Facility's design to ensure that the integrity of the structural components of the Landfill will not be disrupted. Requestors also maintain that the design will not protect the environment as no above-ground vertical expansion of a MSW Type IV facility has ever been constructed on top of an existing landfill, and therefore ED has no basis to state that this Facility would be protective.⁶

Acreage Shortage

Requestors continue to dispute the acreage of the proposed expansion and maintain the footprint will be larger than that proposed by Applicant. It will even include a large item staging area, a wood material recycling & processing area, and a construction and demolition waste recycling and processing area.⁷

Site Employment

Requestors dispute that 4-5 total staff personnel will safely support the 340,000 tons of waste per year that will be permitted for this Facility.

B) Nuisance: Applicant did not adequately address nuisances in its Site Operating Plan ("SOP"). Requestors expressed many concerns regarding the nuisances at their properties and in their neighborhood caused not only by the Facility's past operations, but those that will also be worsened by the Facility's expansion. Nuisances experienced by both Ms. Jefferson and Mr. Hudson include heavy dust, rubbish, odors, windblown waste, and truck traffic. TCEQ has jurisdiction over all these nuisance issues, and Requestors dispute that the Executive Director has adequately evaluated these issues as required by various regulations.

Windblown Waste

Pursuant to 30 TAC § 330.15(a)(2)-(3), a person may not cause, suffer, allow, or permit the collection, storage, transportation processing, or disposal of MSW, or the use or operation of a solid waste facility to store, process, or dispose of solid waste, or to extract

⁵ RTC at 21.

⁶ RTC at 26-7.

⁷ RTC at 44.

materials...in such a manner that causes...the creation and maintenance of a nuisance or the endangerment of the human health and welfare or the environment. Concerns regarding the importance of evaluating nuisances are key throughout Chapter 330. For example, 30 TAC § 330.139 maintains that windblown solid waste and little must be controlled to avoid unhealthy, unsafe, or unsightly conditions. This requires a site operating plan that specifies the means for confining windblown waste and litter along fences, access roads, and at the gate on a daily basis. 30 TAC § 330.139 (1)-(2). Based on Requestors' past experiences with windblown waste around their neighborhood and at their property, the basic measures proposed by Applicant are simply insufficient to control waste to a level that is safe, healthy, and sightly.

Odors and Dust

Similarly, 30 TAC § 330.149 requires an MSW facility to manage odors. Requestors maintain that odors were not managed prior to the Facility's expansion, and therefore the provided odor management plan in the Applicant's SOP is insufficient. 30 TAC § 330.153(b) states that dust from on-site and other access roadways must not become a nuisance to surrounding areas, and dust control must be maintained. Requestors, within a one-mile radius, have experienced dust impacts on their property, forced to clean dust and debris on numerous occasions caused by the Facility. Additionally, Mr. Hudson suffers from asthma, which is exacerbated by the dust and other nuisances from the facility. Applicant's SOP does not sufficiently address dust control.

Vectors and Rodents

Another source of nuisance and concern for Requestors includes diseased vectors and other rodents. 30 TAC § 330.151 states that a site operator shall control on-site populations of disease vectors using proper compaction and daily cover procedures, and general methods and performance based frequencies for vector control must be specified in the SOP. While Applicant alleges attraction of vectors is "expected to be minimal," Requestors experience demonstrates otherwise. They often notice an increase in the local rat and snake population within the residential neighborhood after heavy rainfall, and attribute these disease vectors to the current Landfill. An increase in the vertical and lateral extent and the processing of volume will only lead to an increase in the disease vectors within the surrounding residential neighborhood. With an assertion that vectors are expected to be minimal, Applicant does not propose adequate control measures in its SOP.

Traffic

Furthermore, Applicant does not adequately assess traffic. 30 TAC § 330.61(i). The application submitted by Applicant was based on a traffic study completed during the COVID-19 pandemic and using historical data from October 2019.⁸ This data does not accurately depict Requestors' experience with traffic control in their neighborhood, and

⁸ Application at Part II, Appx. IIB.

certainly not in light of the expected 280 vehicles/day expected during the Facility's lifetime.

Overall, the Amended Permit, if granted, will increase nuisances, varying from odor, to diseased vectors, to dust, violating 30 TAC § 330.15(a)(2)-(3) as well as Chapter 361 of the Texas Health and Safety Code. Therefore, it should be reconsidered and denied, or otherwise addressed in a CCH, before being granted by the Commission.

C) Air Quality and Emissions Concerns: Requestors dispute that the Facility's operations will not lower air quality and increase air pollution in their neighborhood. ED contends that TCEQ does not consider the effects of air quality in issuing MSW permits⁹, however 30 TAC § 330.989 clearly states an MSW facility must comply with the Federal Clean Air Act and the intent of the Texas Clear Air Act. Therefore, before issuing the Amended Permit, TCEQ must consider air quality issues from increased activity at the Facility, including diesel trucks. Requestors already experience air quality impacts from the Facility's previous operations, which will be aggravated by this proposed expansion.

Gas Emissions

Requestors maintain the proposed Landfill Gas Management Plan, required by 30 TAC § 330.371 is inadequate and dispute that the monitoring and probes proposed are sufficient for the expansive Facility. As noted above and during the comment period, Requestors have dealt with odors from the Facility in the past, which could be the result of gas emissions that are unmanaged.

D) <u>Protective Testing</u>: Requestors dispute that sufficient testing was completed by the Applicant to comply with 30 TAC § 330.61(d) to ensure the Amended Permit is protective of human health or the environment, which is a primary concern for consideration in issuing MSW permits.

Health Impacts

The ED contends that the Applicant is not required to perform formal health assessments¹⁰, but this is a requirement pursuant to 30 TAC § 330.61(d). Without assessing health effects, a permit cannot be deemed protective of human health.

Soil Testing

Requestors dispute that adequate soil testing and measures are proposed in the Amended Permit to prevent soil contaminating, which is not protective of the environment. 30 TAC § 330.61(d). Requestors also dispute that the liner system design in the Amended Permit is sufficient to prevent soil contamination.

⁹ RTC at 5.

¹⁰ *Id*.

E) <u>Water Contamination</u>: Requestors dispute the Amended Permit, if granted, will adequately protect them and their community from water contamination.

Water Wells

There are at least four private residential properties that are still using well water in the community. 30 TAC §330.61(h)(5). The ED maintains that they are aware of all known water wells within 500-feet of the Facility's proposed boundaries and admit there are no plans to test the water wells in the area. However, without any basis, the ED proceeds to then state the water wells are protected. Requestors dispute that the water wells are protected from contamination.

Groundwater Monitoring

Requestors also dispute that the groundwater monitoring system proposed by Applicant is compliant with Chapter 330, Subchapter J. The Applicant proposes the use of depressurization wells to lower the groundwater level prior to excavating the expansion cells of the Landfill. This could have an injurious effect on the water-table. It is possible that the use of these depressurization wells could expose the groundwater table beneath the Landfill to waste, thereby endangering an important environmental resource. Requestors are also concerned that the Applicant does not comply with 30 TAC §330.331(d) and its design criteria for the protection of groundwater protection applicable to this Type IV Landfill.

F) <u>Flood Control and Drainage</u>: Requestors dispute the Draft Permit adequately addresses the grave potential for flooding in the neighborhood caused by the Facility's expansion.

Drainage, Generally

30 TAC § 330.303 requires a facility be controlled to minimize surface water running onto, into, and off the treatment area via construction, maintenance, and operation. While the ED contends the Application proposes a surface drainage system with discharge rates no greater than pre-development¹², Requestors dispute this possibility given the lateral and vertical major expansion of the Facility.

Detention Ponds

To control flooding, Applicant proposes use of an existing detention pond, which was not included within the boundaries of the Draft Permit. Requestors dispute that the existing detention pond is sufficient to attenuate storm water, and maintain it was not properly included in the application.

G) Environmental Justice: Despite the ED's contention to the contrary¹³, TCEQ does have jurisdiction over environmental justice concerns pursuant to Executive Order 12898.

¹¹ RTC at 11.

¹² RTC at 12.

¹³ RTC at 37-8.

Executive Order 12898 requires each Federal agency, and each state agency that receives federal funding, which includes TCEQ, to conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that those programs, policies, and activities do not have the effect of excluding persons from participation in, denying persons the benefit of, or subjecting persons to discrimination because of their race, color, or national origin or income level. With respect to the approval of industrial facilities such as the Landfill, Executive Order 12898 requires TCEQ to evaluate its actions for disproportionately high and adverse effects on minority or low-income populations and to find ways to avoid or minimize these adverse impacts where possible.

Carvedale is already an overburdened environmental justice community. Carverdale grew as a neighborhood that was historically marketed to African-Americans. The Carverdale neighborhood remains populated by largely minority, non-white individuals as shown by some of the most recent data collected by the City of Houston in 2019: 22% non-Hispanic African American, 45% Hispanic, and 7% non-Hispanic Asian.2 The median household income in 2019 was just above \$52,000. More than half of Carverdale's residents speak a language other than English at home, with 45% speaking Spanish and 13% speaking some other language. Therefore, Carverdale's profile is one of a classic environmental justice community: largely low-income and non-white, where more than half of its population speak a language other than English at home. Allowing for the expansion of the Landfill is not maintaining the status quo. It is instead giving a green light to further environmental degradation and a decreased standard of living by facilitating the isolation of residential communities that are found directly next to the Landfill and other industrial sites. Accordingly, TCEQ must evaluate for environmental justice concerns before approving this Draft Permit, and at minimum, should refer this issue to SOAH for further analysis.

Language Access

Based on the foregoing, Requestors also dispute that Applicant provided proper alternative language notice of this application as required by TCEQ' regulation and its Language Access Plan.

H) <u>Location</u>: Requestors dispute the location of this Facility and its expansion has been adequately assessed in compliance with 30 TAC § 330.61(g)-(h). This requires an assessment of the impact on the surrounding area as a primary concern to ensure a facility does not adversely impact on human health and the environment. Important factors include the likely impacts of the facility on cities, communities, groups of property owners, or individuals by analyzing the compatibility of land use, zoning in the vicinity, community growth patterns, and other factors associated with the public interest. The ED's assertion that the Amended Permit complies with all land use requirements is disputable 14, considering the number of concerned residents, local politicians, property owners who have shown deep public interest in this expansion and its negative impact on their Carverdale community.

¹⁴ RTC at 28.

Compatibility with Surrounding Land Use

Requestors dispute that the expansion of the Facility is compatible with the surrounding land use. 30 TAC § 330.61(g). Requestors dispute Applicant correctly represented the prevailing land use within the one-mile range of the Facility in Part II, Appx. IIA of its application. However, even without such issue, it is unreasonable for the ED to state that the Draft Permit is compatible with surrounding land use and protective of human health and the environment while simultaneously admitting there are *at least* 2,100 single-family residential homes within the radius, as well as 15 churches, a daycare center, and 5 schools.¹⁵

Historical Sites and Structures

The ED contends there are no historical sites or structures in the one-mile radius of the Facility's proposed boundaries. Requestors dispute this, however, as the roads upon which the Facility is expanding are of historical significance in the community. For example, the right of way Clara Road is so named after the sole teacher of a then-segregated school from 1928-1951. ¹⁶

Economic Development

Requestors maintain that the proposed changes to the Facility will negatively impact economic development in the community. ED states it will have "minimal impact," however a double expansion of a *waste facility* simply cannot be stated to have minimal impact on growth and development and/or property values in the community.

- I) Other Concerns: Requestors maintain the following additional disputes:
 - a. <u>Compliance History</u>: The Applicant's compliance history has not adequately accounted for the Facility's history with local environmental enforcement agencies, including Harris County Pollution Control Services. In doing so the TCEQ should inquire as to the resolution of past investigations and into the status of any ongoing investigations.
 - b. <u>Illegal Conveyance</u>: Requestors dispute that the conveyance of the rights-of-way to Applicant by the City of Houston, which Applicant now incorporates into its proposed boundaries, was a valid transfer of property. An invalidly transferred property cannot be used in the grant of any permits, as the Applicant has no ownership of the property.
 - c. <u>Prohibited Waste</u>: 30 TAC § 330.15(e) prohibits certain waste from disposal at any MSW. However, Requestors maintain Applicant has in the past, and may in

¹⁵ RTC at 28.

¹⁶ https://communityimpact.com/education/2018/02/28/carverdale-school-remembered-excellence-cy-fair-community/

¹⁷ RTC at 33.

the future, accept prohibited waste at the Facility. Therefore, Requestors dispute that the SOP adequately addresses detection and prohibition of unauthorized waste as required by 30 TAC § 330.127(5).

- d. <u>Concrete Crushing and Recycling Operations</u>: The allowance of other operations on site, in addition to waste management, is not protective of human health and the environment.
- e. <u>New Permit</u>: Requestors maintain that Applicant is circumventing the process of obtaining a new permit to operate an MSW by instead applying for a major amendment of a closed and/or near closing MSW facility.
- f. <u>Emergencies</u>: Requestors dispute the SOP adequately addresses preparedness, prevention, and emergencies, as required by 30 TAC § 330, Subchapter D.

IV. REQUEST FOR RECONSIDERATION

Alternatively, Requestors respectfully request the Commission's reconsideration of the ED's decision to issue this permit based on the foregoing disputed issues raised, with a remand to the ED for further reconsideration.

V. CONCLUSION

For the reasons stated above and in Requestors' public comments, Myra Jefferson and Gregory Hudson request respectfully request a contested case hearing regarding this permit based on their affected person statuses to address the disputed issues raised in Section III above. Alternative, Requestors request reconsideration of the Executive Director's decision.

Requestors may be contacted through the undersigned.

Respectfully submitted,

<u>/s/Natasha Bahri</u>

Natasha Bahri
LONE STAR LEGAL AID
EQUITABLE DEVELOPMENT INITIATIVE
ENVIRONMENTAL JUSTICE TEAM
P.O Box 398
Houston, Texas 77001-0398
Tel. 713.652.0077
Fax. 713. 652. 3814
nbahri@lonestarlegal.org

ATTORNEY FOR MYRA JEFFERSON AND GREGORY HUDSON

Ellie Guerra

From:

PUBCOMMENT-OCC

Sent:

Tuesday, February 21, 2023 4:15 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

Request for Extension of RFR CCH Period1.pdf

From: nbahri@lonestarlegal.org <nbahri@lonestarlegal.org>

Sent: Tuesday, February 21, 2023 3:05 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Natasha Bahri

EMAIL: nbahri@lonestarlegal.org

COMPANY: Lone Star Legal Aid

ADDRESS: PO BOX 398 HOUSTON TX 77001-0398

PHONE: 7136520077

FAX:

COMMENTS: Please see attached request for extension of time for RFR/HR period. Thank you.

PAUL FURRH, JR. Attorney at Law Chief Executive Officer

ERNEST W. BROWN, JR. Attorney at Law Deputy Director

SAPNA AIYER Directing Attorney

MARTHA OROZCO Project Director Directing Attorney



Lone Star Legal Aid Equitable Development Initiative

AMY DINN KIMBERLY BROWN MYLES Managing Attorneys

NATASHA BAHRI CHASE PORTER AMANDA POWELL VELIMIR RASIC Staff Attorneys

Mailing Address: P.O Box 398 Houston, Texas 77001-0398

713-652-0077 x 8108 800-733-8394 Toll-free

February 21, 2023

Via Electronic Submission
Laurie Gharis,
Chief Clerk, MC 105
Texas Commission on Environmental Quality
PO Box 13087
Austin TX 78711-3087

Re: Request for Extension of Request for Reconsideration and Request for Contested Case Hearing Period for USA Waste of Landfills, Inc. MSW Permit 2185A

Lone Star Legal Aid ("LSLA") submits this request for an extension of time for the submission of requests for contested case hearings and requests for reconsideration on USA Waste of Landfills, Inc.'s ("Applicant") MSW Permit 2185A (the "Permit"), pursuant to 30 TAC § 55.201(g)(2). LSLA represents both Myra Jefferson and Gregory Hudson individually, previous commenters on this Permit who are entitled to request both reconsideration and a contested case hearing on the Permit.

TCEQ received this application from Applicant on or around February 23, 2021, and it was declared administratively complete on April 2, 2021. According to the TCEQ's Integrated Database, this application received over 400 comments and 37 original contested case hearing requests, including comments from community residents and state senators. Two public meetings were also held on the application, on January 18, 2022 and June 22, 2022, due to the high level of public interest in this Permit.

Approximately six (6) months after the second public meeting, the Executive Director published its response to comments ("RTC") on January 24, 2023, and the 30-day initial time for Requests for Reconsideration and Contested Case Hearing began to run, with a current deadline of February 23, 2023.

30 TAC § 55.201(g)(2) states that the Commission has the authority to extend the time allowed to file a request for reconsideration, or a request for a contested case hearing. Requests for Contested Case Hearings require a demonstration of "affected person" status. 30 TAC § 55.201(b)(4). Such requests also require a list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and that are the basis of the hearing request, and the request should specify any of the executive director's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, and list any disputed issues of law. 30 TAC § 55.201(d)(4)(B).

Here, the RTC contained over 70 responses to comments, approximately 40 of which were to comments filed by Ms. Myra Jefferson and Mr. Gregory Hudson. The comments and responses are detailed, complex, and technical, and require thorough evaluation and consideration by the public, commenters, and other interested parties. In light of the public interest in this Permit, and the substantial response to comments by the Executive Director to be addressed, LSLA respectfully requests a 30-day extension of the initial statutory Request for Reconsideration/Request for Contested Case Hearing time period. LSLA believes this will be in the best interest of the public and appreciates the Commission's attention to this matter.

Respectfully submitted,

Natasha Bahri
LONE STAR LEGAL AID
EQUITABLE DEVELOPMENT INITIATIVE
ENVIRONMENTAL JUSTICE TEAM
P.O Box 398
Houston, Texas 77001-0398
Tel. 713.652.0077
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nbahri@lonestarlegal.org
ATTORNEY FOR MYRA JEFFERSON AND GREGORY
HUDSON

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Tuesday, January 18, 2022 2:59 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

MSW

RFR

 PM

From: dbflowerlove@aol.com <dbflowerlove@aol.com>

Sent: Sunday, January 16, 2022 9:45 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: MS Donna Brownlow

E-MAIL: dbflowerlove@aol.com

COMPANY: Northwest Houston Environmental Injustice Coalition

ADDRESS: 10047 HARDISON LN HOUSTON TX 77041-6135

PHONE: 8326615615

FAX:

COMMENTS: January 10, 2022 Ref: Virtual public meeting on the Hawthorne Park Landfill Expansion Proposed Permit NO. 2185A- To whom it may concern This letter is a request from the Northwest Houston Environmental Injustice Coalition, concerning the virtual public meeting on the Hawthorne Park Landfill expansion; schedule for Tuesday, January 18, 2022. We are requesting you reconsider and host an in-person meeting. If the current state of the pandemic

in Houston, Harris County, Texas hinders an in-person meeting we are requesting the virtual public meeting be postponed until the state of the pandemic allows for an in-person meeting to take place. The Carverdale community has a large number of residents who unfortunately do not have technology to access such a virtual meeting and a number of our elderly residents do not have the knowledge to utilize such technology. Thus, we appeal to your consideration of the residence of Carverdale, that you graciously reschedule this virtual public meeting for a later date. Granting the residents, the opportunity to freely state their grievances, against the continuation and expansion of Permit No. 2185A Per Harris County Pollution Control review on June 7, 2021, addressed to Laurie Gharis, Chief Clerk. We share their concerns that your gas managements plan does not adequately address the monitoring needs and are opposed to the growth of 224 times the current remaining capacity. Respectfully, The Northwest Houston Environmental Injustice Coalition

Debbie Zachary

From:

PUBCOMMENT-OCC

Sent:

Wednesday, June 29, 2022 1:59 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

2022 6 28 FINAL comments 1.pdf

Н

From: rcantu@lonestarlegal.org <rcantu@lonestarlegal.org>

Sent: Tuesday, June 28, 2022 3:06 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: MR Rodrigo Garza Cantu

EMAIL: rcantu@lonestarlegal.org

COMPANY: Lone Star Legal Aid

ADDRESS: 1415 FANNIN ST HOUSTON TX 77002-7632

PHONE: 7136520077

FAX:

COMMENTS: please see the attached comments and requests for a contested case hearing.

PAUL FURRH, JR. Attorney at Law Chief Executive Officer

ERNEST W. BROWN, JR. Attorney at Law Deputy Director

ROSLYN O. JACKSON Directing Attorney

MARTHA OROZCO Project Director Directing Attorney



Lone Star Legal Aid
Equitable Development Initiative

AMY DINN KIMBERLY BROWN MYLES Managing Attorneys

NATASHA BAHRI RODRIGO CANTÚ CAROLINE CROW ASHEA JONES AMANDA POWELL VELIMIR RASIC Staff Attorneys

CHASE PORTER
Equal Justice Works Fellow

Mailing Address: P.O Box 398 Houston, Texas 77001-0398

713-652-0077 x 8108 800-733-8394 Toll-free

June 28, 2022

Laurie Gharis, Chief Clerk, MC 105 Texas Commission on Environmental Quality PO Box 13087 Austin TX 78711-3087

Re: Comments in Opposition to Proposed Permit No. 2185A and Request for a Contested Case Hearing on Behalf of Myra Jefferson and Gregory Hudson, Residents of the Carverdale Neighborhood

Lone Star Legal Aid ("LSLA") submits these comments and two individual requests for a Contested Case Hearing ("CCH") on behalf of Myra Jefferson and Gregory Hudson (collectively, "Commenters"), residents of the Carverdale neighborhood in Houston, Texas. USA Waste of Texas Landfills ("USA Waste" or "Operator") has applied to the Texas Commission on Environmental Quality ("TCEQ") for a permit major amendment to authorize the vertical and lateral expansion of the Hawthorne Park Recycling and Disposal Facility ("the Facility" or "the Landfill"), a Type IV Municipal Solid Waste Landfill located at 10550 Tanner Road, Houston, Texas 77041. Draft Permit 2185A ("the Draft Permit"), if granted, will only lead to the further environmental degradation of the Carverdale neighborhood, will exacerbate already existing environmental justice issues, and will result in a permanent source of offsite nuisance impacts for the Commenters and their neighborhood. The precise reasons for Commenters' opposition to the Draft Permit are expounded upon below. Commenters request that the TCEQ deny the Draft Permit and instead require the gradual closure of the Landfill.

I. Request for Contested Case Hearing

If the TCEQ decides not to deny the Draft Permit as requested, then both Ms. Jefferson and Mr. Hudson respectfully request that the TCEQ refer the matter to the State Office of Administrative Hearings ("SOAH") for a Contested Case Hearing ("CCH"). They further request that they each be designated as Affected Persons in that same CCH proceeding.

Both Ms. Jefferson and Mr. Hudson have previously submitted numerous comments regarding the Draft Permit. They adopt these comments as if fully stated herein. This current set of comments builds upon the numerous issues that have been previously mentioned by each of the Commenters and describes with greater detail additional technical deficiencies with the Draft Permit.

Both Commenters are Affected Persons for the purposes of a CCH. To be designated Affected Persons they must show that they are each one "who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application." 30 T.A.C. § 55.103. Additionally, when "determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:

(1) whether the interest claimed is one protected by the law under which the application will be considered; (2) distance restrictions or other limitations imposed by law on the affected interest; (3) whether a reasonable relationship exists between the interest claimed and the activity regulated; (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person; (5) likely impact of the regulated activity on use of the impacted natural resource by the person; (6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; an (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application. 30 T.A.C §55. 203(c).

Additionally, for permits filed after September 1, 2015, the commission may also consider the following:

(1) the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance; (2) the analysis and opinions of the executive director; and (3) any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor. 30 T.A.C §55. 203(d).

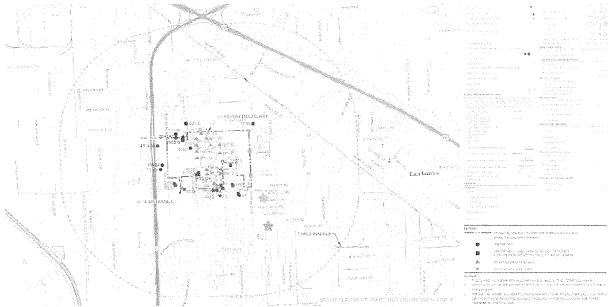


Figure 1: From Permit Materials Showing One Mile Radius from Facility

Ms. Jefferson has resided in her home at her current address of 5417 Gessner Road, Houston, Texas 77041 since 2013 (represented by the green star on Figure 1 above). Prior to that, she operated her non-profit 501(C)(3) organization, Revitalize America Partnership, Inc., out of the same address beginning in 1995, after inheriting the property from her mother. She previously resided at 10122 Porto Rico Road, Houston, Texas 77041 from 1962 to 1967, and then at 10278 Algiers Street, Houston, Texas 77041 from 1967 until her mother's death in 1995. These three addresses—her current address and her previous two residences—are all within two blocks of one another, all within a few blocks of the Landfill's southeastern-most boundary, and all certainly within the one-mile radius of the Landfill's perimeter. As a long-time resident of the perennially underserved Carverdale neighborhood she has seen the neighborhood change, becoming more industrialized and ever more burdened by sources of environmental hazards. Ms. Jefferson drives up and down Tanner Road on a weekly basis, taking her all along the southern boundary of the Site.

Mr. Hudson resides at 10222 Morocco Road, Houston, Texas 77041. His residence is represented by the orange-colored star on the map above which clearly demonstrates that he lives within one mile of the Landfill. He is in fact, a mere one block from Tanner Road, which serves as the southern boundary of the Landfill. Mr. Hudson suffers from asthma and has found that in the past his asthma symptoms are worsened when dust from the Landfill is in the air, when it

comes across the neighborhood and lands on his home and his personal property, and when he has to clean the Landfill dust off his personal property. As a longtime resident of Carverdale at his current address (35 years), Mr. Hudson often travels past the Landfill on Tanner Road and Gessner while going about his day to visit friends or run his necessary errands. Driving past the Landfill and having to suffer through its offsite impacts has become a normal part of Mr. Hudson's life.

As will be seen below Ms. Jefferson and Mr. Hudson are each affected in way not common to the general public because of their proximity to the Landfill, its current nuisance impacts on their person and personal property, and because of the impact that the Landfill's expansion will have on their health, their well-being, their property, and the surrounding environment. Because of this they are Affected Persons for the purposes of prosecuting a CCH and respectfully request that this matter be referred to SOAH for such a proceeding in the event the TCEQ decides to move forward and approve the Draft Permit.

II. APPROVING THIS MAJOR AMENDMENT WILL ONLY EXACERBATE ISSUES OF ENVIRONMENTAL JUSTICE

The Landfill has been in operation for more than forty years and was, before the submission of the Draft Permit, only a few years away from complete closure. During the lifetime of the Landfill Ms. Jefferson, Mr. Hudson, and their neighbors in Carverdale have had to bear the burden of odors and dust emanating from the facility, induced flooding across neighborhood residential streets, rodent and other animal infestations due to the accumulating waste, truck traffic destroying poorly maintained residential streets, and windblown waste from the Facility spreading across the neighborhood. Now, the TCEQ is positioned to not only extend the operating life of this Landfill but also to allow its volumetric processing of waste to increase via its vertical and lateral expansion. The Landfill will go from processing waste at the initial rate of 150,000 tons per year to 340,000 tons per year. The resulting enlarged size of the Landfill, the more than doubled volumetric process, and the extended operating life will only worsen existing environmental and public health conditions in an already overburdened

¹ Permit for a MSW Management Facility, 2185A pg. 4 Subpart C.

environmental justice community. In light of this, the TCEQ must reverse its decision to preliminarily approve the Draft Permit.

Carverdale Is An Already Overburdened Environmental Justice Community and As Such The Landfill Should Not Be Allowed to Expand

Carverdale grew as a neighborhood that was historically marketed to African-Americans. The Carverdale neighborhood remains populated by largely minority, non-white individuals as shown by some of the most recent data collected by the City of Houston in 2019: 22% non-Hispanic African American, 45% Hispanic, and 7% non-Hispanic Asian.² The median household income in 2019 was just above \$52,000. More than half of Carverdale's residents speak a language other than English at home, with 45% speaking Spanish and 13% speaking some other language. Therefore, Carverdale's profile is one of a classic environmental justice community: largely low-income and non-white, where more than half of its population speak a language other than English at home.

As evidenced by Figure 2 below, the residential neighborhoods of Carverdale (colored in yellow) are almost completely surrounded by industrial uses (colored in purple). Commenters do wish to point out that in the graphic below the large area colored in gray (with the accompanying designation as *underdeveloped*) is actually the current siting of the Landfill, and that as such, the TCEQ must consider that gray section as *industrial* for all intents and purposes.

Allowing for the expansion of the Landfill is not maintaining the status quo. It is instead giving a green light to further environmental degradation and a decreased standard of living by facilitating the isolation of residential communities that are found directly next to the Landfill and other industrial sites. Commenters and their neighbors had been anticipating the closure of the Landfill for several years now. They had noticed that while activity at the Landfill had not ceased completely over the last handful of years, it had certainly slowed, and markedly so. Commenters and neighbors were glad to see that the offsite nuisance impacts had diminished in intensity and frequency, though, to be sure, they had not completely abated.

https://www.houstontx.gov/planning/Demographics/2019%20Council%20District%20Profiles/Carverdale_Final.pdf

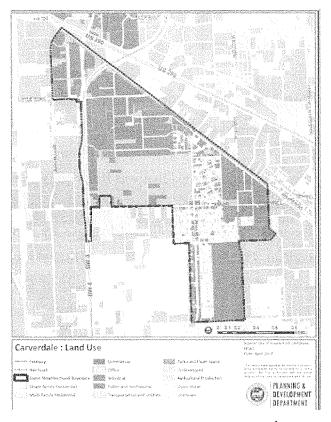


Figure 2 Map of Carverdale Supernighborhood³

As is further detailed below, expanding the footprint of the Landfill and permitting more processing of waste will have marked and quantifiable deleterious effects on Commenters, their neighbors, and the whole of the residential population of Carverdale. This is because rather than ushering the closure of the Landfill in the near future it actually extends the life of the Landfill and will permit greater processing of waste---which will reverse the decline in activity observed by Commenters and their neighbors. There will be an increase in the intensity, frequency, and indeed the inimical nature of the offsite impacts, which are detailed below. The TCEQ may not be able to undo the current industrial make-up of Carverdale but it can certainly take steps to avoid contributing to additional burdens for these already overburdened residents. The TCEQ can do this by denying the Draft Permit.

³ Super Neighborhood 03 Available at: https://www.houstontx.gov/superneighborhoods/3.html

III. TECHNICAL AND COMPLIANCE ISSUES WITH THE DRAFT PERMIT

Approving the Draft Permit Will Increase Offsite Nuisance Impacts Which Have Subsided, But

Have Not Disappeared, Over the Past Few Years

The expansion of the Landfill is wholly inconsistent with the current residential character of the neighborhoods to the east and southeast of the existing Facility, and to those residential pockets just to the north of the Landfill's northeastern corner. Thus, the expansion will adversely impact human health and the environment. 30 TAC §330.61(h). The Draft Permit underestimates the adverse impacts that will be borne by residents like Ms. Jefferson and Mr. Hudson and their neighbors if and when the Landfill's expansion is approved and implemented.

To begin, Ms. Jefferson, Mr. Hudson, and many of their neighbors note that activity at the Facility has generally been fairly reduced over the past several years. This doesn't mean that there have been no off-site nuisance impacts, but it does mean that Commenters and their neighbors have noticed that these off-site impacts have decreased in frequency and intensity as compared to years before.

Yet even with this noticeably reduced activity over the past handful of years, Commenters and their neighbors often observe large amounts of dust that originate at the Landfill land on their homes and personal property. Ms. Jefferson constantly needs to clean and remove the dust from her personal property that she keeps outside in addition to the outside of her home. Mr. Hudson also notices the dust coming from the Landfill land on his property which he similarly has to constantly clean. Because Mr. Hudson suffers from asthma the dust is especially injurious to his personal health. He often notices that his asthma symptoms are worsened on the days when he observes the dust heavy in the air. Both Commenters report that windblown waste has been a major problem in the Carverdale neighborhood in the past, with rubbish originating at the Facility being found all along residential streets including the streets that they each live on. While the amount of windblown waste found in the neighborhood has decreased, in addition to the frequency with which it is found, it has not completely abated. The same can largely be said of intrusive, nuisance odors that originate at the Landfill—residents of the Carverdale Neighborhood, including Commenters, report that nuisance odors are still present, although they have diminished in the past several years.

TCEQ's decision to approve the Draft Permit will have a direct impact on the activity levels at the facility. By allowing for the vertical and lateral expansion of the Landfill and the processing of an even greater and greater volume of waste, the TCEQ is tacitly approving the increase in truck traffic and the nuisance dust impacts that will be generated all along the access routes to the facility; the increase in nuisance dust and odors that originate at the facility; and to the increase in windblow waste that will undoubtedly make its way into the Carverdale neighborhood. The ebb in activity that has been observed by the Commenters and other residents will be reversed, the off-site impacts in the Carverdale neighborhood will only be increased, and the enlarged site will act as a permanent nuisance and source of environmental hazards from the moment the expansion begins until the closure of the site is complete, decades into the future, in 2068.

With regard to dust, given the Commenters' observation of off-site dust impacts, but especially the dust's invasion and blanketing of their personal property, it is obvious that USA Waste has not been complying, and will not be capable of complying, with 30 TAC §§330. 991(d)(1) and (3) or with any regulation that address controlling and managing dust.

With regard to windblown waste, Commenters express serious doubt about the Operator's ability to comply with standards mentioned in 30 TAC §330.139. Additionally, it is doubtful that the USA Waste will comply with 30 TAC §330.145 and its admonishment that the Operator encourage trucks delivering waste to take steps to control and enclose the waste and keep it from escaping into the residential neighborhood during delivery. These serious deficiencies in the Draft Permit will only lead to more windblown waste along the Commenter's residential streets, the major streets they travel down on a daily basis, and even on their personal property.

There are also general requirements regarding the condition of the access roads leading up to the Landfill. 30 TAC §330.153 states, in relevant part:

"...[t]racked mud and associated debris at the access to the facility on the public roadway must be removed at least once per day on days when mud and associated debris are being tracked onto the public roadway...(b) Dust from onsite and other access roadways must not become a nuisance to surrounding areas...(c) All on-site and other access roadways must be maintained in a clean and safe condition. Litter and any other debris must be picked up at least daily and taken to the working face. Access roadways must be regraded to minimize depressions, ruts, and potholes..."

And, according to 30 TAC §330.61 "(i) the operator must provide data on the access roads and their availability and adequacy, the volume of the vehicular traffic, and the projections of the volume that is to be generated by the facility." As previously mentioned, Commenters often note windblown waste and debris all along the streets surrounding the Landfill, including those in the residential neighborhood. Additionally, dust from trucks attempting to access the Landfill and from the Landfill itself act as sources of nuisance dust for Commenters. It is obvious that USA Waste is incapable of complying with the stated rules and with other related rules.

Furthermore, nuisance odors are specifically prohibited by 30 TAC §330.15(a)(2). Commenters are concerned that because the Facility has emitted strong odors in the past, despite the presumed existence of an odor management plan, that the Facility will be unable to control these odors once it has expanded, as required by 30 TAC §§330.63(b)(2)(c) and 330.149 and other regulations that address odors.

Commenters Have Concerns About the Compliance History of the Landfill

More generally, Commenters are concerned that the TCEQ has not adequately classified either USA Waste's or the Landfill's compliance record. 30 TAC §60.3(a)(1). Commenters urge the TCEQ to scrutinize the compliance record of this Facility and deny the Draft Permit accordingly. 30 TAC §60.3(a)(3)(B). Although USA Waste and the Hawthorn Park Recycling and Disposal Facility are both classified as having a high compliance rating, TCEQ should confer with local environmental enforcement agencies, including Harris County Pollution Control Services, about enforcement actions and notices of violations. In doing so the TCEQ should inquire as to the resolution of past investigations and into the status of any ongoing investigations. Commenters are also concerned that the TCEQ's compliance history website indicates that the date range for the facility is listed as September 1, 2021—the TCEQ must ensure that this is the proper date range for both USA Waste and the Facility.

The Possible Illegal Conveyance of City Public Rights of Way to USA Waste Could Undermine the Legal Sufficiency of the Draft Permit

One major deficiency with the permit is that it will allow USA Waste of Texas to expand after it acquired public streets and Rights of Way from the City of Houston in a possibly illegal sale and conveyance. This has to do with the lack of notice from the City of Houston to the residents of Carverdale, including Ms. Jefferson and Mr. Hudson, that the sale of Rights of Way on certain streets was going to take place. These streets include: Dancy Road, Crawford Road and Clara Road. The TCEQ must investigate whether or not the conveyance of the Rights of Way of these streets was legal. Commenters contend that they never received notice of the abandonment of the Public Rights of Way by the City and the attendant sale of the roads to USA Waste. If proper procedure was not followed then that would make the conveyance null and void and would undermine the integrity and legal sufficiency of the Draft Permit as a whole, including the sough-after expansion of the Landfill.

The only reason that USA Waste will be able to effectuate its expansion and its requested increase in volumetric waste processing is because it has been sold the formerly public streets. If the conveyance of the Rights of Way was illegal then the Draft Permit must be denied.

Existing Flooding, Stormwater Drainage, and Runoff Issues Will Only Be Exacerbated By The Landfill Expansion

Currently, the Carverdale neighborhood is dealing with flooding and runoff issues that are due in large part to the poorly maintained Landfill. The expansion of the Landfill will only worsen these conditions. Residents of Carverdale state that during rainy conditions, water comes across Gessner Road, a north-south street, and onto east-west streets like Comanche Lane, before flowing all along the street and arriving, finally, at Teague road. Commenters report that it is often difficult to traverse their residential streets and the neighborhood as a whole, whether on foot or in a vehicle, during and after even the most insignificant of rainfalls. The expansion of the Landfill will only exacerbate these runoff and induced flooding conditions despite the Draft Permit stating that runoff from the Landfill will not be an issue. Commenters and their neighbors also wish to point out that Tanner Road often floods under the lightest of rain conditions—the

expansion of the Landfill will only intensify this flooding. This is because the Draft Permit does nothing to address the existing conditions.

The Facility as it is currently operated does not protect the surrounding neighborhood from runoff and induced flooding. It has not been designed, constructed, or maintained and operated in a way to manage runoff during the peak discharge from at least a 25-year storm; does not provide the structure to collect and control at least the water volume resulting from a 24-hour, 25-year storm; and does not protect the Landfill from washouts. The Draft Permit does little to alleviate the Commenters' concerns that the vertical and lateral expansion of the landfill will in any way remedy this situation. The Draft Permit therefore does not show how it will comply with 30 TAC Subchapter G §§ 330.303, 330.305, and 330.307.

Residents Fish in the Reservoir Demonstrating USA Waste's Inability to Secure the Facility

The residents of Carverdale also report that they have seen people fish from the detention pond that is on the eastern side of the property. USA Waste has not placed the proper infrastructure or fencing around its property to discourage such activity nor has it placed any signage that such activity is prohibited. Commenters signal this as evidence of USA Waste's inability to properly protect the health and safety of nearby residents. This deficiency must be remedied. Commenters also question why USA Waste has left the detention pond off of the Draft Permit boundary and signal this as a deficiency.

At Least Four Homes Use Well Water

Commenters and their neighbors are concerned that the TCEQ and USA Waste have not considered all the residential wells that are still being used in the area. Longtime residents claim that they know of at least four private residential properties that are still using well water. 30 TAC §330.61(h)(5). If the Draft Permit has not accurately considered all those homes and neighborhood residents that are consuming well water, then the health and safety of all residents has not been properly considered, requiring the denial of the Draft Permit.

<u>The Groundwater Monitoring Scheme is Deficient and the Expansion May Endanger</u> Groundwater Resources

The Draft Permit proposes the use of depressurization wells in order to lower the groundwater level prior to excavating the expansion cells of the Landfill.⁴ It is not clear, however, that this will not have an injurious effect on the water-table. It is possible that the use of these depressurization wells could expose the groundwater table beneath the Landfill to waste, thereby endangering an important environmental resource. Therefore, the information that the Operator has provided is deficient with regard to 30 TAC §§330.61(j) and (k) and 30 TAC §§330.63(e) and (f). Commenters are also concerned that the Operator is not complying with 30 TAC §330.331(d) and its design criteria for the protection of groundwater protection applicable to this Type IV Landfill. Commenters also express concern that USA Waste is unable to comply with 30 TAC Chapter 330 Subchapter J and its requirements regarding a groundwater monitoring system.

The Buffer Zones Between the Active Landfill and the Property Line May Be Inadequate

Commenters and other residents are concerned that the buffer zones of the current Landfill, and certainly of the Landfill after it has been expanded, are not and will not be sufficient. 30 TAC §330.543(b)

The Draft Permit Won't Protect Against Vectors

Commenters and their neighbors are concerned that the expansion of the landfill will lead to an increase in "populations of disease vectors" including rats, mosquitos, and snakes. Commenters and their neighbors report that they often notice an increase in the local rat and snake population within the residential neighborhood after heavy rainfall. They attribute these disease vectors to the current Landfill. An increase in the vertical and lateral extent and the processing of volume will only lead to an increase in the disease vectors within the surrounding residential neighborhood.

⁴ Permit Amendment Application, MSW 2185A, Appendix III-3D-2, pg. 11.

Commenters and their neighbors are therefore concerned that the Operator will be unable to comply with 30 TAC §330.151.

Waste Screening Will Not Stop the Entry of Prohibited Wastes

Commenters and their neighbors are concerned that prohibited wastes will make their way into the expanded Landfill, especially in light of relatively recent events. After Hurricane Harvey in the fall of 2017, Commenters and their neighbors recall large amounts of waste suddenly being delivered to the Facility. That waste may have included prohibited wastes. While Hurricane Harvey may have presented an emergency situation during which a number of environmental regulations and rules were waived, it is manifestly unjust for the State of Texas to expect Commenters and other residents of Carverdale to bear the burden of accepting waste during such situations in their neighborhood, for the benefit of Texas residents and neighborhoods elsewhere.

It is evident that the Facility cannot comply with 30 TAC §330.127(5) and its procedures for detection and prevention of the disposal of prohibited wastes.

Language Access for Public Participation Must Be Ensured

Commenters are concerned that the TCEQ has not followed and complied with all the guidance regarding ensuring access for residents of Carverdale with limited English proficiency ("LEP"). As mentioned earlier, more than 50% of Carverdale's residents speak a language other than English at home. The TCEQ must ensure that all notices regarding the Draft Permit were published in the relevant language, including Spanish, and that the Public Meetings are also conducted in a way to allow these LEP populations meaningful access and participation. If notice in was not published in a language other than English, or if the public meetings did or do not provide simultaneous interpretation for the LEP population, then these facts constitute deficiencies with the administrative process that must be corrected before the Draft Permit can be issued.

The TCEQ Must Deny the Draft Permit if it Violates The Closure Plan of MSW-01135

A letter sent to Sanifill of Texas, Inc., ("Sanifill") from the Texas Natural Resources Conservation Commission ("TNRCC") on May 1, 2000 mentions that the Facility had completed the post-closure care maintenance requirements of MSW-01135 during the operational life of the Landfill (Sanifill is, ostensibly, one of the predecessor operators of this Landfill). This same letter mentions that the Facility is eligible to exit the post-closure care maintenance period, that Permit MSW-01135 has expired, and that the TNRCC appreciates Sanifill's Cooperation in maintaining the closed site. Commenters and their neighbors are dismayed that the Landfill was somehow allowed to continue to operate after this letter from the TNRCC and is now being allowed to expand. Commenters put forth that the expansion that is currently being sought by the Draft Permit does not comply with the post-closure maintenance requirements of MSW-01135 and that it in fact violates the terms of the same. For this reason, the TCEQ must deny the Draft Permit.

IV. Conclusion and Request for Relief

For the reasons stated in these comments and the Prior Comments, USA Waste has failed to demonstrate that its Draft Permit 2185A will comply with relevant regulations. Both Ms. Jefferson and Mr. Hudson have demonstrated that they meet the Affected Person status for the purposes of adjudicating the legal sufficiency of the Draft Permit in a Contested Case Hearing Proceeding. Through the Present and Prior Comments Ms. Jefferson and Mr. Hudson have pointed out numerous deficiencies, irregularities, and inconsistencies with the Draft Permit that require its denial. Further, the approval of the Draft Permit would be manifestly unjust, as it will contribute to the environmental degradation of the already overburdened Carverdale neighborhood.

These shortcomings of the Draft Permit, in addition to not complying with relevant regulations and law, will have deleterious effects on Ms. Jefferson and Mr. Hudson, and their neighbors within Carverdale, for each of the reasons expounded upon in these and their Prior Comments.

Further, Ms. Jefferson and Mr. Hudson request that the TCEQ refer the matter to SOAH for a Contested Case Hearing and that each of them be granted party status, in the event that the

TCEQ chooses to approve the Draft Permit. Each of these CCH requestors may be contacted by and through their undersigned counsel.

Respectfully submitted,

Rodrigo G. Cantu

Rodrigo Cantú

LONE STAR LEGAL AID

EQUITABLE DEVELOPMENT INITIATIVE

ENVIRONMENTAL JUSTICE TEAM

P.O Box 398

Houston, Texas 77001-0398

Tel. 713.652.0077 ex 1270

Fax. 713. 652. 3814

rcantu@lonestarlegal.org

ATTORNEY FOR MYRA JEFFERSON AND GREGORY HUDSON

8/9/2021 4:59 PM FROM: C ce Depot #2227 TO: +1512 3311 P.

CARVERDALE CIVIC CLUB

MSW 123200

TCEQ
Office of the Chief Clerk
MC 105
P.O. Box 3087
Austin, TX 78711-3087

5 ml -1- E.

Hand Deliver 12100 Park 35 Circle Bldg. F Austin, TX 78753

Fax: (512) 239-3311

RE: Permit MSW-2185

Dear Commissioners:

REVIEWED

AUG 10 7071 H

By Gcw

We are writing to express our personal-and community-opposition to the granting of Permit MSW-2185 for the expansion of the Hawthorne Disposal and Recycling Facility.

Along with the community, we are hereby officially requesting a public hearing in the Carverdale community in Houston where the landfill is located. The community has serious concerns about the health and environmental impact of the site and the proposed expansion. We are requesting the local hearing so that all health and environmental studies can be clearly' discussed with local residents.

An expansion of the site would likely increase truck traffic and localized air pollution as well as the possibility of traffic safety issues and accidents.

The Carverdale community believes that it is in fact time to actually close the site to protect our health, safety and local environment.

Sincerely,

Mark Harding

Mark Harding, President; Clyde Akens, Secretary; Beverly Richard, Treasurer; Corine Moore, Community Commissioner

Paul Worrall

From: Sent: To: Subject: Attachments:	iXware Cloud Services <postmaster@xolfax.com> Monday, August 9, 2021 12:03 PM Fax3311 You received a message from 2227 Fax_2227_892021 120258 PM.PDF</postmaster@xolfax.com>
	× January
	Incoming fax message from: 2227
	You have received a fax containing 3 page(s) at number +15122397811. This fax is received from :2227
	Please find the fax message attached.
	×
	× natural

CARVERDALE CIVIC CLUB

REVIEWED

AUG 10 2021 +

MSW 123200

TCEQ
Office of the Chief Clerk
MC 105
P.O. Box 3087

Austin, TX 78711-3087

Hand Deliver 12100 Park 35 Circle Bldg. F Austin, TX 78753

Fax: (512) 239-3311

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Sincerely,

Mark Harding

Paul Worrall

From: Sent: Fo: Subject: Attachments:	iXware Cloud Services <postmaster@xolfax.com> Sunday, August 8, 2021 1:04 PM Fax3311 You received a message from 2227 Fax_2227_882021 10355 PM.PDF</postmaster@xolfax.com>
	x
	X industrial
	Incoming fax message from: 2227
	You have received a fax containing 2 page(s) at number +15122397811. This fax is received from :2227
	Please find the fax message attached.



TCEQ Registration Form

June 28, 2022

USA Waste of Texas Landfills, Inc. Proposed Amendment to Municipal Solid Waste Permit Number 2185A

PLEASE PRINT			
Name: MARK HARding			
Mailing Address: 10139 PORTO RICO			
Physical Address (if different):			
City/State: Houston) TX. Zip: 7704/			
This information is subject to public disclosure under the Texas Public Information Act			
Email: harding 2gm @ yahoo. Com			
Phone Number: (832) 549-7977			
/			
• Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No			
If yes, which one? CAR VEY dAIE Civic Club			
Please add me to the mailing list.			
I wish to provide formal <i>ORAL COMMENTS</i> 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)			

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Wednesday, September 1, 2021 1:24 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

<u>MSW</u> 123200

PM

From: carverdalecivicclub@gmail.com <carverdalecivicclub@gmail.com>

Sent: Tuesday, August 31, 2021 8:14 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Mark Harding

E-MAIL: carverdalecivicclub@gmail.com

COMPANY: Carverdale Civic Club

ADDRESS: 10139 PORTO RICO RD

HOUSTON TX 77041-7539

PHONE: 7134622428

FAX:

COMMENTS: Requesting a public meeting

Ellie Guerra

From:

PUBCOMMENT-OCC

Sent:

Monday, February 27, 2023 11:13 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Н

From: victorhebert@icloud.com <victorhebert@icloud.com>

Sent: Thursday, February 23, 2023 4:46 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER: 2023-0265-MSW

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: DR. Victor Hebert

EMAIL: victorhebert@icloud.com

COMPANY:

ADDRESS: 5651 TRIWAY LN HOUSTON TX 77041-7421

PHONE: 9102613450

FAX:

COMMENTS: TO: TCEQ FR: Dr. Victor Hebert DT. February 23, 2023 Su: Contested Case Hearting of Permit No. 2185A My name is Dr. Victor Hebert. Address: 5651 Triway Lane (10267 Tanner Road Phone: 910-261-3450 Applicant: USA Waste of Texas Landfills MSW permit No. 2185A I request a Contested Case Hearing I am an affected person in this matter because my personal right to my property has been negated by the presence of the Landfill. The value of my residential property is reduced to almost zero because of the presence of the Landfill, especially since one of its main entrances to

the Landfill is less than 60 feet from my front door. My 14th Amendment rights have been taken by a powerful entity, USA Waste, without due process of law. Under present circumstances, the value of my residence is nearly zero since no one would want to buy a property across the street from a Class IV Landfill with all its hazards to health and the environment. The proximity of the Landfill to my home, less than 60 feet, poses health and environmental hazards. The Landfill is less than 50 feet from my property line. Many health issues are inherent in living next to a mountain of waste every day. It has been studied and concluded that health hazards are inherent in living that close to a Landfill, including respiratory issues, and cancer. AS regards safety, having 130 big trucks, in addition to those from other facilities on Tanner road has grave risks at my home, especially since I am retired and get to experience heavy truck traffic all day and much of the night with their exhaust fumes contaminating the air. Comment (#2) that construction materials "may produce leachate and gases that enter the environment and contain chemicals that pollute the air, water, and soil" the response is fallacious and problematic. Monitoring landfill gas, and groundwater, does not control what actually happens as time operates on discarded materials. Also, a compliant liner is a joke where waste is expected to rise over a hundred feet into the air. The monitoring and liner are not a safety feature for a landfill's adjacent resident spaces livable. The monitoring system and liner cannot control rats, roaches, and other insect infestations that proliferate in waste material. It should be shameful even to admit that monitoring systems of any kind and a soil liner can protect residential properties from a mountain of waste that rises over 100 feet for 46 years. The response here is like saying having a water hose is effective to control a fire of a 20-story building. Carverdale has been a victim of environmental injustice and health inequities by this Landfill. Does a person really have to die to prove that there are adverse health effects and planning flaws in having trash, with all kinds of chemical toxins mixed therein, before someone concludes that a trash dump should not be located in a residential community? Regarding Comment #3 and its response, waste management rules will never make a Landfill safe in a residential community, especially when it is located almost in my bedroom, which is closer to the dump than my garage. The liner system design cannot control or even influence the avoidance of groundwater contamination for 46 years. As yet, no convincing evidence can be generated on these statements of safety regarding liners because research is recently started on the effects of Landfills and all its workings in our era of Environmental Injustice in African American Communities. We don't wish to be a guinea pig for an as-yet unproven system to prevent groundwater contamination and soil contamination from the materials, rust, wood dust, etc., emanating from the Landfill. Comment #4: Impact on vegetation and wetlands in the area. The response to this again defers to realities unrelated to a Landfill with modern construction material waste. It is incongruent that assessments of land areas not subjected to construction waste materials being deposited daily may be used to determine the safety of procedures and protocols in a completely different environment with a totally different material and chemical makeup. I am certain that the U.S. Army Core of Engineers has NEVER done assessments of the groundwater and soil effects of Landfills operated by private companies in residential communities. The work on assessing groundwater and soil damage from daily deposits or fresh chemicals and construction materials has yet to be done. And, a proper assessment of the effects on groundwater, soil, and health is yet to be performed. The narrative to Response #4 sounds good and legal, but a closer look at reality says that it is a response grabbed from a hat to the real problem. I now experience great difficulty in growing vegetables. I can plant a cucumber plant and be fortunate to get one cucumber for the entire growing season. This is real and present. And, it appears I am asked to hire professional soil analysts and environmentalists to prove that the Landfill is the culprit and it is asking to continue the onslaught on soil and water in Carverdale. FYI: It is impossible to control the dispersion of water emanating from a 100+ foot high mountain of waste material. Comment/Response #5: The studies and wetlands assessments, etc., are good and give limited information about realities that are to be experienced in Carverdale for the proposed next 46 years. One very important perspective guides my response: I don't see landfills of ANY type proposed for any residential community in the future. I am certain that none of these studies are oriented to determine the safety of locating any type of landfill in an already established residential Community. D. Air Quality Comment #6: This again is faulty speaking. That TCEQ does not consider poor air quality from diesel trucks, alone or in combination, an issue regarding the permit is similarly misleading. There is nothing in this response that addresses the air quality of this in a residential neighborhood. The generality of this response is practically insulting. Comment/Response #7: Again this is almost comic. "The Executive Director does not EXPECT nuisance conditions to occur. What exactly does he expect, and who is he to have such a powerful effect on numerous households by himself? Carverdale wants guarantees that the nuisance conditions will not occur by not locating that disaster of a Landfill in our residential community. Comment/Response #8: Again, Mother nature tears up any man-made system to control emissions of toxic gas, air, and water no matter how expectedly foolproof. And, none of these studies were designed to assess the effects of a community over the course of storms,

Hurricanes, etc. One disaster could destroy the entire community. To eliminate that probability, the landfill should be located at least 20 miles from any residential community since many homes are in place for generations. I request a contested case hearing about this permit application MSW Permit No. 2185A. Dr. Victor Hebert 5651 Triway Lane (10267 Tanner Road, directly across the street from the Landfill.) Houston TX 77041 (910) 261-3450 February 23, 2023

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TCEQ Registration Form

June 28, 2022

USA Waste of Texas Landfills, Inc. Proposed Amendment to Municipal Solid Waste Permit Number 2185A

Name: Victor + Phert
Mailing Address: 565/ TRIWAY LN- ABUSTON 1X7704
Physical Address (if different): City/State: Zip: 7704/
This information is subject to public disclosure under the Texas Public Information Act Email: Victorhebert@gmail.com
Phone Number: (910) 261-3450
• 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 <i>ORAL COMMENTS</i> 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)

Victor Hebert Comments: TCEQ Hearing, June 28, 2022 5651 Triway Lane (Corner Tanner Road Houston TX 77041 victorhebert@icloud.com June 28, 2021



My home is located at the corner of Triway and Tanner, once the main entrance to the landfill when at the height of its previous activity. My focus in this narrative is to request a Contested Case Hearing regarding Permit Application #2185A as a precursor to its denial.

In the permit application, it is noted that as many as 130 additional waste delivery trucks will enter the landfill daily to a maximum of 280 daily in 2068. The additional 130 large diesel trucks daily will choke Tanner Road. 130 trucks for 8 hours each day is 1 truck every 4 minutes for 6 or 7 days per week. That traffic will be added to that of 4 other heavy industrial businesses on Tanner: Cherry Crushed Concrete, Living Earth, Texas Waste, and Republic Waste truck traffic. A two-lane Tanner Road cannot handle this volume of traffic making it inaccessible to the Carverdale community.

Considering the latest available scientific literature, the world's leading experts convened by the IARC (International Agency for Research on Cancer) concluded that there is sufficient evidence that exposure to outdoor air pollution causes lung cancer. They also noted a positive association with an increased risk of bladder cancer. Particulate matter, a major component of outdoor air pollution, was evaluated separately and was also classified as carcinogenic to humans. Much particulate dust and truck emissions will generate hazardous conditions for the Carverdale Community. And, monitoring methane gas production on the landfill's premises will not prevent it from escaping into the residential area of Carverdale.

The property value of my home is severely depressed because of its proximity to the Landfill. I have been deprived of the true value of my home without due process of law. The 14th Amendment to the constitution guarantees my right to my property and its market value. It is now depressed by at least 20% or more because of the Landfill. My home was built in 1965 with the expectation that it would increase in value like citizens in other neighborhoods. I am forced to lose value on my property without due process of law. So too is the entire Carverdale community.

Environmental toxins from the presence of the landfill are numerous. There will be air pollution, water pollution, soil contamination of chemical runoff from decomposing wood, plastics, oxidizing metals, etc. Then there will be mold, mildew, and particulate matter from wood, wallboard, Gypsum, concrete, metals, and plastics. Rain, wind, and floods will force effects of the landfill onto all residential property. Respirable Crystalline Silica from concrete may cause cancer. Transportation effects, especially of heavy industrial truck traffic, also can cause cancer and other respiratory diseases. This is being forced on us in Carverdale. This residential community must not be forced to endure another 46 years of Waste of any kind along with its attendant property devaluation. The land should be allowed to heal from its previous insults and the resulting land depreciation effect.

Debbie Zachary

From:

PUBCOMMENT-OCC

Sent:

Wednesday, June 29, 2022 1:57 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Н

From: victorhebert@icloud.com <victorhebert@icloud.com>

Sent: Tuesday, June 28, 2022 2:37 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: DR. Victor Hebert

EMAIL: victorhebert@icloud.com

COMPANY:

ADDRESS: 5651 TRIWAY LN HOUSTON TX 77041-7421

PHONE: 9102613450

FAX:

COMMENTS: I object to the approval of USA Waste's permit #2185A. I request a Closed Case Hearing to deny Approval of the landfill's operation in its proposed location in the Carverdale community. Victor Hebert Comments: TCEQ Hearing, June 28, 2022 5651 Triway Lane (Corner Tanner Road Houston TX 77041 victorhebert@icloud.com June 28, 2021 I object to the expansion of the landfill in the Carverdale community and advocate for its removal from among us. My home is located at the corner of Triway and Tanner, once the main entrance to the landfill when at the height of its previous

activity. My major focus of this narrative is to request a Contested Case Hearing regarding USA Waste's Permit Application #2185A as a precursor to its denial. In the permit application, it is noted that as many as 130 additional waste delivery trucks (Transportation Study, 11/20/2020) will enter the landfill daily to a maximum of 280 in 2068 joining a heavy traffic two-lane Tanner Road. The additional 130 large diesel trucks daily will choke Tanner Road all day every day. 130 trucks for 8 hours each day is 1 truck every 4 minutes for 6 or 7 days per week. That traffic will be added to that of 4 other heavy industrial businesses: Cherry Crushed Concrete, Living Earth, Texas Waste, and Republic Waste truck traffic. A two-lane Tanner Road cannot handle this volume of traffic making it inaccessible to the Carverdale community. Considering the latest available scientific literature, the world's leading experts convened by the IARC (International Agency for Research on Cancer) produced a Monographs Programme which concluded that there is sufficient evidence that exposure to outdoor air pollution causes lung cancer (Group 1). They also noted a positive association with an increased risk of bladder cancer. Particulate matter, a major component of outdoor air pollution, was evaluated separately and was also classified as carcinogenic to humans (Group 1). Much particulate dust and truck emissions will generate hazardous conditions for the Carverdale Community. And, monitoring methane gas production on the landfill's premises will not prevent it from escaping into the residential area of Carverdale. The property value of my home is severely depressed because of the 75 foot proximity of the Landfill. I have been deprived of the true property value of my home without due process of law. The 14th Amendment to the constitution guarantees my right to my property and its market value. It is depressed by at least 20% or more because of the presence of the Landfill. My home was built in 1965 with the expectation that it would increase in value like citizens in other neighborhoods. I am forced to lose value of my property without due process of law. So too is the entire Carverdale community. Environmental toxins from the presence of the Type IV landfill are numerous. There will be air pollution, water pollution, soil contamination of chemical runoff from decomposing wood, plastics, oxidizing metals, etc. Then there will be mold, mildew, and particulate matter from wood, wallboard, Gypsum, concrete, metals, and plastics. Rain, wind, and floods will force effects of the landfill onto all residential property. Respirable Crystalline Silica from concrete may cause cancer. Transportation effects, especially of heavy industrial truck traffic, also can cause cancer and other respiratory diseases. This is being forced on us in Carverdale. This residential community must not be forced to endure another 46 years of Waste of any kind along with its attendant property devaluation. The land should be allowed to heal from its previous insults and the resulting land depreciation effect.

COMMISSION ON ENVIRONMENTAL

April 7, 2022

MSW 123200

2022 APR 11 PM 2: 33

CHIEF CLERKS OFFICE

Texas Commission on Environmental Quality
Office of the Chief Clerk

MC 105, PO Box 13087 Austin TX 78711-3087

REVIEWED

APR 12 2022

By Gow H

Victor Hebert //

5651 Triway Lane (10267 Tanner Road)

Houston, Texas 77041 Phone: 910-261-3450

eMail: victorhebert@icloud.com

I request a Contested Case Hearing on the matter shown below.

Applicant: USA Waste of Texas Landfills, Inc., 24275 Katy Freeway, Suite 450, Katy, Harris County, Texas 77494

Proposed Permit No. 2185A

I am adversely affected by the proposed Landfill expansion because my home is located across the street (ca. 70 feet), on Tanner Road, corner Triway Lane, from the Hawthorne Park Landfill and about 300 feet from the proposed pile of waste material to be dumped for the next 46.3 years. I cannot sell my home to a residential buyer nor have visits from friends or relatives because of the dump (a.k.a: Landfill).

I am affected by the facility because of its proximity to my home. When the site is active, rodents, roaches, other pests find my home easily. Water runoff into the ditches finds its way onto my property every time it rains. Air and noise pollution, and soil contamination is health destroying. When It floods, toxins, leachate, toxic water, and poisonous chemicals from waste material finds its way onto my home/property.

My parents who lived and died (1974 and 2014 respectively) here suffered greatly living across from the landfill. When it was formerly active, I had to have pest control at least 4 times a year to rid the home of rats. The rodent problem never really ended. Dust inside the home was impossible to control even to this day.

I purchased this house in 1965 and was born on this property in 1942. My family has owned this property since before I was born in 1942 and it has always been residential, as it is today.

My mother suffered respiratory problems living here and other unusual health issues. My brother contracted cancer while living here. We had well water here until about 2005 so the problem of the home was compounded by groundwater contamination.

Because of the toxins in the landfill, I have found it almost impossible to grow a garden and fruit trees on my property. Also, odors from the landfill find its way into my home as

well as an unending 24-hour dust problem. Noise from Bulldozers and commercial trucks traveling less than 50 feet from my bedroom is a nightmare late at night and early in the morning. I am forced into rising when trucks start rolling around 5:30 am and going to sleep when they stop.

The proposed landfill requests increased capacity from 71,726 cubic yards to 16,106,490 cubic yards. That is 224 times the current remaining capacity. Based on the densely populated area and high trafficked location of the landfill, that would pose a dangerous environmental problem.

Type IV construction materials are said to be the type to be dumped in the landfill. These type materials, especially for 46.3 years are known to cause serious health problems for residents both near (100 - 500 Meters) and far (1 - 5 Kilometers).

Some Type IV materials are known health hazards for nearby residences. For example, Respirable Crystalline Silica (RCS) may cause cancer. Concrete is a mixture of gravel or rock, sand, Portland cement, and water. The Concrete may also contain fly ash, slag, silica fume, calcined clay, fibers (metallic or organic), and color pigment. Properties and composition of crushed concrete can vary depending on the original properties and composition of the recovered concrete. Natural sand includes quartz, a form of crystalline silica. Material may contain small percentages (less than 15%) of glass, porcelain, or other ceramic materials.

Crushed concrete may be subjected to various natural or mechanical forces that produce small particles (dust) which may contain respirable crystalline silica (particles less than 10 micrometers in aerodynamic diameter). Repeated inhalation of respirable crystalline silica (quartz) may cause lung cancer according to IARC and NTP; ACGIH states that it is a suspected cause of cancer, Other forms of RCSS (e.g., tridymite and cristobalite) may also be present or formed under certain industrial processes. This is a sample of anticipated effects of Type IV construction materials to be dumped.

Wallboard, exterior sheathing, PVC materials, plastics, tars and chemicals in roofing materials, iron, lead, galvanized pipes, and other plumbing, roofing, flooring, and construction materials are hazardous and produce leachate and gases that enter the environment and contain chemicals that are impossible to prevent deadly air, water, and soil quality pollution.

Additionally, the daily air pollution of more than 125 additional massive diesel trucks increase deadly aerosols bathing my home's air environment daily. Then there is the daily noise pollution of Bulldozers operating in the landfill with their exhaust aerosols, in addition to trucks and smaller vehicles carrying loads of waste material into the landfill.

No one, to date, has assessed the health, air, environmental, water, and soil quality effects of the landfill on residents and property in Carverdale, even though the majority of residents died of cancer or cardiovascular deaths of some form. That study needs to be done before any more waste dumping occurs in this community. Also, many people still use well water near the dump.

Another 46.3 year dump should not be allowed in the Carverdale community. There must be more thorough knowledge of the effects already experienced by residents and a clear picture of future effects on the community as far as toxins, ground water contamination, air quality, etc., are concerned before any thought of a landfill is considered in our residential community.

Also, the environmental justice issue surrounding Waste processing facilities in our historically black community must be addressed by the legal, health, and economic agencies before a new landfill permit is even considered. Many materials will be dumped in the facility that has already been labelled as carcinogenic by many major research organizations. Also, these type facilities to date are located almost exclusively in historically black and today black and brown communities. Environmental justice for our community is just as significant as it is in the "finer" communities in the city, state, and nation. And, social justice is also an issue as I cannot have, make, or maintain certain friends because of the proximity of my house to a dump.

Dust created by the materials in the landfill, air quality within 2 miles of the facility, odor control parameters, noise pollution, fumes and contamination of truck exhaust fumes as well as congestion of a little two lane road by vigorous commercial traffic is certain doom for Carverdale. Already, the community is devastated by the years of existing commercial activity so near residential bedrooms and kitchens. Another 46.3 years of toxins, pollution, traffic congestion, and many other environmental and physical health hazards that accompany the landfill's existence if it is approved will doom Carverdale. For these reasons, I request Permit Application 2185A be denied and a Contested Case Hearing conclude this matter. I request a Contested Case Hearing on this matter of USA Waste permit Application #2185A this 7th day of April 2022.

Thank you,

Victor Hebert Mutar The







picture of my home in picture #3 across from an entry gate to the landfill. Picture 1 and 2 are of trucks dumping Hurricane Harvey waste in front of my house.

TEXAS AMASSION TROMMENTAL WALITY

2022 APR | | PM 2: 33

CHIEF CLERKS OFFICE



Texas Commission on Environmental Quality Office of the Chief Clerk

MC 105 P.D. Box 13087

Austin TX 78711-3087 TCEQ MAIL CENTER JR APR 1 1 2022

NORTH HONDICK TX YES

Amendment of the control of the cont

REVIEWED

JAN 2 8 2022

Victor Hebert

5651 Triway Lane (10267 Tanner Road) Gw

Houston, Texas 77041 Phone: 910-261-3450

eMail: victorhebert@icloud.com

2022 JAN 28 M 9: 42

MSW 123200

CHIEF CLERKS OFFICE

I write to request a Contested Case Hearing on the matter shown below.

Applicant: USA Waste of Texas Landfills, Inc., 24275 Katy Freeway, Suite 450, Katy, Harris County, Texas 77494

Proposed Permit No. 1285A

My home is located across the street, on Tanner Road, from the former entry gate of the Waste Management Landfill and about 600 feet from the proposed pile of waste material to be dumped on the site for the next 46.3 years. I cannot sell my home to a residential buyer as its value is practically zero \$\$ as a residential dwelling.

I purchased this house in 1965, lived on the property since 1956, and was born on this property in 1942. My family has owned this property since before I was born in 1942 and it has always been residential, as it is today. The dump came in about 1977.

I am affected by the facility because of its proximity to my home. When the site is active, rodents, roaches, other pests find my home easily. Plus, water runoff into the ditches finds its way onto my property every time it rains. When It floods, all the toxins from the waste material in the landfill finds its way onto my property. Because of the toxins in the landfill, I have found it almost impossible to grow a garden and fruit trees on my property. Also, all odors from the landfill find its way into my residence as well as the unending dust problem. Additionally, noise from Bulldozers and commercial trucks traveling less than 50 feet from my bedroom is a nightmare late at night and early in the morning. I am forced into rising when trucks start rolling and going to sleep when they stop. I experience firsthand all pollution problems associated with the landfill. My parents who lived and died here suffered greatly living across from the landfill. When it was formerly active, I had to have pest control at least 4 times a year to rid the home of rats. Dust inside the home was impossible to control. My mother suffered respiratory problems as well as my father. My brother contracted cancer living here. We had well water here until about 2005 so the problem of the home was compounded by groundwater contamination. We now have city water but the ditch in front of and beside the house stays almost filled with water year round, no matter the temperature.

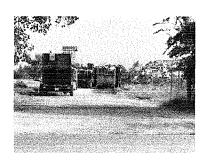
No one, to date, has assessed the effects of the landfill on residents in Carverdale, even though the majority died of cancer of some form. That study needs to be done before any more waste dumping occurs in this community. Also, many people still use well water near me. Another 46.3 year dump should not be allowed in the Carverdale community unless there is more thorough knowledge of the effects already experienced by residents and a clear picture of future effects on the community as far

as toxins, ground water contamination, air quality, etc., are concerned. Many materials will be dumped in the facility that has already been labelled as carcinogenic by many major research organizations. Dust created by the materials in the landfill, air quality within 2 miles of the facility, odor control parameters, noise pollution, fumes and contamination of truck exhaust fumes as well as congestion of a little two lane road by vigorous commercial traffic is certain doom for Carverdale. Already, the community is devastated by the years of existing commercial activity so near residential bedrooms and kitchens. Another 46.3 years of toxins, pollution, traffic congestion, and many other environmental and physical health hazards that accompany the landfill's existence if it is approved will doom Carverdale. For these reasons, I request a Contested Case Hearing of this matter.

Thank you,

Victor Hebert







A picture of my home in picture #3 across from an entry gate to the landfill. Picture 1 and 2 are of trucks dumping Hurricane Harvey waste in front of my house.

2108 /B. 211702 PM 3 P. 2022 PM Jistor Hebert GES (IIIIII) MINIMUM MIN

STATE TOUSION TANDE

Loxal Commission on Environmental Consist D. O. Box 13087 X 78711-3087 201 JULIS 68 9: 42

TOEO MAIL CENTER JAN 28 2022

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Tuesday, January 18, 2022 3:37 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: USA Waste, Hawthorne R&D Falility Request #1285A

Н

From: Brad Patterson < Brad. Patterson@tceq.texas.gov>

Sent: Tuesday, January 18, 2022 3:08 PM

To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov> **Subject:** FW: USA Waste, Hawthorne R&D Falility Request #1285A

From: Victor Hebert < victorhebert@icloud.com >

Sent: Tuesday, January 18, 2022 3:07 PM

To: Brad Patterson < Brad.Patterson@tceq.texas.gov >

Subject: USA Waste, Hawthorne R&D Falility Request #1285A

Second Submission.

Mr. Patterson,

My name is Victor Hebert, 5651 Triway Lane (10267 Tanner Road), Houston, Texas and I live less than 50 feet from the proposed landfill site. The following picture is a view from my front door after the Hurricane Harvey storm in Houston. This scene started at 6:00 am with large trucks stacked bumper to bumper on Tanner road from 6:00 am until about 6:00 pm at night. This same type scenario is proposed to occur in Carverdale for another 46.3 years. The toxins, dust, water runoff, and soil contamination was awful then and is now requested to be repeated for the next 46.3 years. I will Comment at the meeting tonight and do request a Formal Case Hearing on the matter as it is too serious to not have trained scientists, medical researchers, and professional diagnostic experts to provide accurate health data that can be of 100% certainty expected on nearby and up to 5 miles away residents.



Respectfully submitted,

Victor Hebert

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

MY COMMENT: I am opposed to the expansion of the existing landfill in Carverdale, the Hawthorn Park Landfill (HPL), and therefore I am asking the Texas Commission on Environmental Quality (TCEQ) to deny Permit Number 2185A, The Hawthorn Park Recycling and Disposal Facility. Additionally, I am asking the TCEQ to permanently close the HPL, the existing landfill, because it removes Carverdale's ability to thrive as a neighborhood and impedes the ability of Carverdale residents to live, work and learn in a healthy environment.

e-mail address: Victorhebert@icloud. Co	m	 -
First Name: Victor Middle Name: E, Last Name:	Deris APR	- S - S - S - S - S - S - S - S - S - S
Company Name (if applicable):		
Mailing Address: 565/ Triway Ln.	M 9: 56	
City: State: TX ZIP Code	77041	
Phone Number: 9/0,26/,3450 Fax Number (optional)_	A Account of the second	
·	AFR 12 78772 Dy Gow	-
You may submit your comment electronically at: www14.tceq.texas.gov/ep	oic/eComment/	

Alternate ways to Comment:

Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
TCEQ	TCEQ	* * Note: All comments
PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the
		mail within three days.

Lori Rowe

From: PUBCOMMENT-OCC

Sent: Friday, April 8, 2022 10:15 AM

To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject: FW: Public comment on Permit Number 2185A

From: victorhebert@icloud.com <victorhebert@icloud.com>

Sent: Thursday, April 7, 2022 3:55 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Victor Hebert

EMAIL: victorhebert@icloud.com

COMPANY:

ADDRESS: 5651 TRIWAY LN HOUSTON TX 77041-7421

PHONE: 9102613450

FAX:

COMMENTS: I write to protest the approval of Permit Number 2185A by USA Waste of Texas Landfills because the dump (a.k.a. Landfill) has already almost destroyed our residential community of Carverdale economically and stifled its growth. Also, my home is situated across the street from the former entrance to the Landfill. For more than 30 years, my home and this community has suffered from the presence of the dump. It should remain closed forever, rather than reopened for another 46 years. The type of waste proposed will constitute continuing health hazards as well as

environmental and economic hazards to the community. Further, the economic effect on the community is devastating. Also, the presence of the landfill is an environmental injustice to our historically black neighborhood. To continue landfill activity of any type in this residential community is a deadly environmental injustice, especially to those residents who still use well water nearby. The residential community of Carverdale cannot absorb the environmental, economic, health, and socioeconomic brutality of another 46 years of a garbage dump in the neighborhood. There is no way to prevent a dump (a.k.a. Landfill—a euphemism for land destruction) from severely damaging our neighborhood forever. One generation of people have been destroyed by this landfill. Must two or three more or all succeeding generations of people in this community be destroyed in exchange for a place to put unwanted trash from "finer" neighborhoods.

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Friday, April 8, 2022 10:13 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

From: victorhebert@icloud.com <victorhebert@icloud.com>

Sent: Thursday, April 7, 2022 2:40 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Victor Hebert

EMAIL: victorhebert@icloud.com

COMPANY:

ADDRESS: 5651 TRIWAY LN HOUSTON TX 77041-7421

PHONE: 9102613450

FAX:

COMMENTS: I write to protest the approval of Permit Number 2185A by USA Waste of Texas Landfills because the dump (a.k.a. Landfill) has already almost destroyed our residential community of Carverdale economically and stifled its growth. Also, my home is situated across the street from the former entrance to the Landfill. For more than 30 years, my home and this community has suffered from the presence of the dump. It should remain closed forever, rather than reopened for another 46 years. The type of waste proposed will constitute continuing health hazards as well as

environmental and economic hazards to the community. Further, the economic effect on the community is devastating. Also, the presence of the landfill is an environmental injustice to our historically black neighborhood. To continue landfill activity of any type in this residential community is a deadly environmental injustice, especially to those residents who still use well water nearby. The residential community of Carverdale cannot absorb the environmental, economic, health, and socioeconomic brutality of another 46 years of a garbage dump in the neighborhood. There is no way to prevent a dump (a.k.a. Landfill—a euphemism for land destruction) from severely damaging our neighborhood forever. One generation of people have been destroyed by this landfill. Must two or three more or all succeeding generations of people in this community be destroyed in exchange for a place to put unwanted trash from "finer" neighborhoods.

FAX COVER SHEET

Page: 01 of 46

TO	
COMPANY	
FAXNUMBER	15122393311
FROM	MyraJefferson
DATE	2022-04-05 01:36:42 GMT
RE	TCEQ Permit Number 2185A, Hawthorn Park Recycling and
DisposalFacility	

COVER MESSAGE

To Whom It May Concern,

Attached are petitions submitted by Carverdale residents at the Carverdale Community Center Event on April 4, 2022. Thank you.

Myra Jefferson

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

MY COMMENT: I am opposed to the expansion of the existing landfill in Carverdale, the Hawthorn Park Landfill (HPL), and therefore I am asking the Texas Commission on Environmental Quality (TCEQ) to deny Permit Number 2185A, The Hawthorn Park Recycling and Disposal Facility. Additionally, I am asking the TCEQ to permanently close the HPL, the existing landfill, because it removes Carverdale's ability to thrive as a neighborhood and impedes the ability of Carverdale residents to live, work and learn in a healthy environment.

e-mail address: Victor/hebert@icloud. Com First Name: Victor Middle Name: E. Last Name: Derts Company Name (if applicable):	
Company Name (if applicable):	
Amon C E 1995	
Mailing Address: 565/ Triway Ln. F. 600	
city: 1045ton State: TX ZIP Code: 47041	
Phone Number: 9/0,261,3450 Fax Number (optional)	

You may submit your comment electronically at: www14.tceq.texas.gov/epic/eComment/

Alternate ways to Comment:

Mail to:
Office of the Chief Clerk, MC 105
TCEQ
PO Box 13087
Austin, TX 78711-3087

Courier or hand-deliver to:
Office of the Chief Clerk
TCEQ
12100 Park 35 Circle, Bldg. F
Austin, TX 78753

Fax: 512-239-3311

** Note: All comments submitted by fax must be followed by a hard copy in the mail within three days.

From:

PUBCOMMENT-OCC

Sent:

Wednesday, July 7, 2021 2:40 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

From: victorhebert@icloud.com <victorhebert@icloud.com>

Sent: Wednesday, July 7, 2021 11:21 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK LANDFILL

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Victor Hebert

E-MAIL: victorhebert@icloud.com

COMPANY:

ADDRESS: 5651 TRIWAY LN HOUSTON TX 77041-7421

PHONE: 9102613450

FAX:

COMMENTS: I Object to the expansion of the Hawthorne Landfill in Carverdale. I oppose the existence of the landfill period. It should be removed out of the Carverdale neighborhood.

From:

PUBCOMMENT-OCC

Sent:

Tuesday, July 6, 2021 9:59 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

From: victorhebert@icloud.com <victorhebert@icloud.com>

Sent: Saturday, July 3, 2021 11:14 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK LANDFILL

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Victor Hebert

E-MAIL: victorhebert@icloud.com

COMPANY:

ADDRESS: 5651 TRIWAY LN HOUSTON TX 77041-7421

PHONE: 9102613450

FAX:

COMMENTS: I Object to the expansion of the Hawthorne Landfill in Carverdale. I oppose the existence of the landfill period. It should be removed out of the Carverdale neighborhood.

From:

PUBCOMMENT-OCC

Sent:

Tuesday, July 6, 2021 9:59 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

From: victorhebert@icloud.com <victorhebert@icloud.com>

Sent: Saturday, July 3, 2021 11:02 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK LANDFILL

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Victor Hebert

E-MAIL: victorhebert@icloud.com

COMPANY:

ADDRESS: 5651 TRIWAY LN HOUSTON TX 77041-7421

PHONE: 9102613450

FAX:

COMMENTS: I Object to the expansion of the Hawthorne Landfill in Carverdale. I oppose the existence of the landfill period. It should be removed out of the Carverdale neighborhood.

From:

PUBCOMMENT-OCC

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Date: Attachments: Friday, July 2, 2021 2:54:30 PM Community Petitions 2185A 3.pdf

From: mchenrybev@aol.com <mchenrybev@aol.com>

Sent: Friday, July 2, 2021 11:11 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK LANDFILL

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Beverly Ann McHenry

E-MAIL: mchenrybev@aol.com

COMPANY: Harris

ADDRESS: 19107 MILL FERRY LN

KATY TX 77449-5244

PHONE: 8325493063

FAX:

COMMENTS: I am a property owner in the Carverdale community. I spent my entire childhood in the community, and I strongly oppose allowing another landfill in our community. I, along with other community members, do not wish to add another eye soar in Carverdale. I will be working diligently to ensure this is not approved. Attached you will find signed petitions from the community and more to come.

PETITION AGAINST PROPOSED USA WASTE OF TEXAS LANDFILL EXPANSION (HAWTORN PARK RECYCLING AND DISPOSAL FACILITY)

June 16, 2021

To Whom It May Concern:

This letter serves as a petition to Chance Goodin, Texas Commission on Environmental Quality, MSW Permits Section; City of Houston; and other Texas Governmental Entities, including, but not limited to R. Jack Cagle, Commissioner, Harris County Precinct 4, Sylvester Turner, City Mayor, Stephen Williams, Director, City Health Authority, Lina Hidalgo, Harris County Judge, et al, as named in TCEQ Permit MW-2185A.

The circumstances surrounding my petition are: USA Waste of Texas Landfills, Inc. has requested a permit amendment application authorizing a vertical and lateral expansion of the existing Hawthorn Park Recycling and Disposal Facility, a Type IV municipal solid waste facility located at North of Tanner Road, West of Gessner and East of Sam Houston Parkway in Houston Harris County, Texas 77041. The maximum final contour elevation of the expanded facility will increase from approximately 136.4 ft-msl to approximately 227.2 ft-msl. It is projected the facility's waste acceptance will reach a maximum of approximately 340,000 tons per year and will have an active site life of approximately 46.3 years. Facilities that will be negatively impacted by this expansion include residences, commercial establishments, schools, licensed day-care facilities, churches, cemeteries, ponds, lakes and recreational areas. Negative environmental impact will include water, air, vegetation and wetlands.

As a result of USA Waste of Texas Landfills, Inc.'s proposed Permit Amendment, TCEQ Permit MW-2185A, I, the undersigned, petition that we reverse course of this application. The health and safety of the Carverdale Community and surrounding area are at risk.

Your favorable consideration of my request would be greatly appreciated.

Sincerely,

(Signature)

Printed Name: Victor Hebert

(Carverdale Residence or Member of Area Church)

Contact Information: Victor hebert is cloud. Com

(Cell Phone or Email Address)

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Wednesday, February 16, 2022 1:08 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

MSW 123260

Η

From: carverdale04@yahoo.com <carverdale04@yahoo.com>

Sent: Wednesday, February 16, 2022 11:18 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Damien Lawson

E-MAIL: carverdale04@yahoo.com

COMPANY:

ADDRESS: 10235 MOROCCO RD HOUSTON TX 77041-7429

PHONE: 2819780368

FAX:

COMMENTS: I request a contested case hearing. My name is Damien Lawson, my address is 10235 Morocco Road, Houston, TX 77041. To add, my contact number is 281-978-0368. The applicant's name is USA Waste of Texas Landfills, Inc. and their permit number is 2185A. My home or address is 528 feet or .1 miles from the proposed facility. This facility will impact the quality of air I breathe on a daily basis due to the pollutants and toxins coming from the facility that'll be released into the air. Moreover, emissions coming from the trucks entering and leaving the proposed facility would

negatively impact the air I breathe as well. In addition, the dust that would be generated from this facility wouldn't just affect my breathing but the dust would get on my clothes, house, and car I have severe sinus and allergy problems which are exacerbated when the air I'm breathing is poor, and filled with toxins and pollutants. Further, the dust that'll be generated at this facility will cause my allergies and sinus problems to become exponentially worse.

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Wednesday, January 19, 2022 3:22 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Proposed Permit No. 2185A

Н

From: CHIEFCLK <chiefclk@tceq.texas.gov> Sent: Wednesday, January 19, 2022 9:28 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: FW: Proposed Permit No. 2185A

From: Damien Lawson < carverdale04@yahoo.com > Sent: Wednesday, January 19, 2022 9:26 AM

To: CHIEFCLK < chiefclk@tceq.texas.gov > Subject: Proposed Permit No. 2185A

To whom it may concern:

My name is Damien Lawson and I reside in the Carverdale community on 10235 Morocco Road. I vehemently oppose the reopening of this landfill and expansion application submitted by USA Waste of Texas Landfills. To add, the facility if approved will have an adverse affect on the quality life for the residents on this proud and historic neighborhood. Moreover, the negative impact this landfill would have on Carverdale residents consists of but not limited to poor air quality, an increase in flooding on Tanner Road, induced traffic and congestion, a poor water source for consumption (especially for citizens with wells), debris left on the road by trucks, etc. This landfill should have NEVER been in our community and we damn sure don't want it to be in operation ever again. I REQUEST A CONTESTED CASE HEARING!

Sincerely,

Damien L.

TCEQ Registration Form

June 28, 2022

USA Waste of Texas Landfills, Inc. Proposed Amendment to Municipal Solid Waste Permit Number 2185A

PLEASE PRINT
Name: <u>Danier</u> Lawson
Mailing Address: 10235 Merocco Road
Physical Address (if different):
City/State: Houston, TX Zip: 7704/
This information is subject to public disclosure under the Texas Public Information Act
Email: (asyerdale 04 Qyahoo.com
Phone Number: (241) 978-0368
• Are you here today representing a municipality, legislator, agency, or group? Yes \(\sigma \) No If yes, which one? \(\sigma \) \(
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)

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

MY COMMENT: I am opposed to the expansion of the existing landfill in Carverdale, the Hawthorn Park Landfill (HPL), and therefore I am asking the Texas Commission on Environmental Quality (TCEQ) to deny Permit Number 2185A, The Hawthorn Park Recycling and Disposal Facility. Additionally, I am asking the TCEQ to permanently close the HPL, the existing landfill, because it removes Carverdale's ability to thrive as a neighborhood and impedes the ability of Carverdale residents to live, work and learn in a healthy environment.

e-mail address: Carverdale ay Dychra Com	AFR 12 2022
First Name: Dawley Middle Name: D. Last Name: Laws	
Company Name (if applicable): Thereos Ideas, LLC	ON ENVIRON
Mailing Address: 10235 Morocco Road	ON ENVISORED NTAL
City: Houston State: X ZIP Co	
Phone Number: <u>291-978-0368</u> Fax Number (optional)	
You may submit your comment electronically at: www14.tceq.texas.gov	/epic/eComment/

Alternate ways to Comment:

Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
TCEQ	TCEQ	* * Note: All comments
PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the
		mail within three days.
		-

From: Myra Jefferson

FAX COVER SHEET

+15122393311

TO	·
COMPANY	
FAX NUMBER	15122393311
FROM	MyraJefferson
DATE	2022-04-05 01:36:42 GMT
RE	TCEQ Permit Number 2185A, Hawthorn Park Recycling and
DisposalFacility	

COVER MESSAGE

To Whom It May Concern,

Attached are petitions submitted by Carverdale residents at the Carverdale Community Center Event on April 4, 2022. Thank you.

Myra Jefferson

From: Myra Jefferson

2022-04-05 01:37:35 GMT

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

MY COMMENT: I am opposed to the expansion of the existing landfill in Carverdale, the Hawthorn Park Landfill (HPL), and therefore I am asking the Texas Commission on Environmental Quality (TCEQ) to deny Permit Number 2185A, The Hawthorn Park Recycling and Disposal Facility. Additionally, I am asking the TCEQ to permanently close the HPL, the existing landfill, because it removes Carverdale's ability to thrive as a neighborhood and impedes the ability of Carverdale residents to live, work and learn in a healthy environment.

e-mail address; <u>CCPVE Jan e</u>	04 Dyohab Com	
First Name: Danhen Mi	ddle Name: [`] Last Name:	
Company Name (if applicable):/	Thereas Idea, LL	<u>C REVIEWEL</u> APR 0 5 2022
Mailing Address: 103 35 M	Morpeco Road	By Gov
city: Houston	State: 7X	ZIP Code:
Phone Number: <u>381-978-0</u>	365 Fax Number	(optional)
You may submit your comme	nt electronically at: www14.tceq.	texas.gov/epic/eComment/
Alternate ways to Comment:		
Mail to: Office of the Chief Clerk, MC 105 TCEQ PO Box 13087 Austin, TX 78711-3087	Courier or hand-deliver to: Office of the Chief Clerk TCEQ 12100 Park 35 Circle, Bldg. F Austin, TX 78753	Fax: 512-239-3311 * * Note: All comments submitted by fax must be followed by a hard copy in the mail within three days.

From:

PUBCOMMENT-OCC

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Date:

Friday, July 2, 2021 2:53:59 PM

Attachments:

Community Petitions 2185A 2.pdf

From: mchenrybev@aol.com <mchenrybev@aol.com>

Sent: Friday, July 2, 2021 11:10 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK LANDFILL

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Beverly Ann McHenry

E-MAIL: mchenrybev@aol.com

COMPANY: Harris

ADDRESS: 19107 MILL FERRY LN

KATY TX 77449-5244

PHONE: 8325493063

FAX:

COMMENTS: I am a property owner in the Carverdale community. I spent my entire childhood in the community, and I strongly oppose allowing another landfill in our community. I, along with other community members, do not wish to add another eye soar in Carverdale. I will be working diligently to ensure this is not approved. Attached you will find signed petitions from the community and more to come.

PETITION AGAINST PROPOSED USA WASTE OF TEXAS LANDFILL EXPANSION (HAWTORN PARK RECYCLING AND DISPOSAL FACILITY)

June 16, 2021

To Whom It May Concern:

This letter serves as a petition to Chance Goodin, Texas Commission on Environmental Quality, MSW Permits Section; City of Houston; and other Texas Governmental Entities, including, but not limited to R. Jack Cagle, Commissioner, Harris County Precinct 4, Sylvester Turner, City Mayor, Stephen Williams, Director, City Health Authority, Lina Hidalgo, Harris County Judge, et al, as named in TCEQ Permit MW-2185A.

The circumstances surrounding my petition are: USA Waste of Texas Landfills, Inc. has requested a permit amendment application authorizing a vertical and lateral expansion of the existing Hawthorn Park Recycling and Disposal Facility, a Type IV municipal solid waste facility located at North of Tanner Road, West of Gessner and East of Sam Houston Parkway in Houston Harris County, Texas 77041. The maximum final contour elevation of the expanded facility will increase from approximately 136.4 ft-msl to approximately 227.2 ft-msl. It is projected the facility's waste acceptance will reach a maximum of approximately 340,000 tons per year and will have an active site life of approximately 46.3 years. Facilities that will be negatively impacted by this expansion include residences, commercial establishments, schools, licensed day-care facilities, churches, cemeteries, ponds, lakes and recreational areas. Negative environmental impact will include water, air, vegetation and wetlands.

As a result of USA Waste of Texas Landfills, Inc.'s proposed Permit Amendment, TCEQ Permit MW-2185A, I, the undersigned, petition that we reverse course of this application. The health and safety of the Carverdale Community and surrounding area are at risk.

Your favorable consideration of my request would be greatly appreciated.

Sincerely,
(Signature) Lawson
Printed Name: Danien Lawson
Affiliation:
(Carverdale Residence or Member of Area Church)
Contact Information: 281-978-0365
(Cell Phone or Email Address)
Date Signed: $\frac{9/23/3031}{}$

From:

PUBCOMMENT-OCC

Sent:

Tuesday, June 29, 2021 5:49 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

From: carverdale04@yahoo.com <carverdale04@yahoo.com>

Sent: Tuesday, June 29, 2021 4:15 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK LANDFILL

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Damien Lawson

E-MAIL: carverdale04@yahoo.com

COMPANY:

ADDRESS: 10235 MOROCCO RD 10235 Morocco Road

HOUSTON TX 77041-7429

PHONE: 2819780368

FAX:

COMMENTS: I'm a long time resident of the suddivision Carverdale in Houston, TX. To add, my family has been in this community since 1957. We're a historical and proud black community that dates back to 1895. The citizens of Carverdale oppose the expansion of the Hawthorne Park Recycling and Disposal Facility and any other business of this nature in this resisdential area. To add, we don't want any businesses in our community. Moreover, our deed clearly states that the lots are to be use for residential purposes only including single family, duplexes, garage apartments and multi-unit

structures; except that lots bordering on Tanner Road or Gessner Road may be used for residential or business purposes. WE DON'T WANT THIS FACILITY IN OUR COMMUNITY! Best regards, Damien L.		
or the second of		

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Monday, April 4, 2022 11:06 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

RFR

From: cl10126@yahoo.com <cl10126@yahoo.com>

Sent: Monday, April 4, 2022 10:54 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: MRS Celia Lopez

EMAIL: cl10126@yahoo.com

COMPANY:

ADDRESS: 10126 MOROCCO RD HOUSTON TX 77041-7534

PHONE: 7135400177

FAX:

COMMENTS: Dear Chief Clerk, As a resident of the Carverdale Community, I implore you to discontinue plans for the expansion of the landfill that is currently scheduled to take place in this neighborhood. As of the date of this note, the major thoroughfares in the Carverdale community are riddled with potholes, uneven asphalt, and prone to flooding. These overlooked concerns have been in existence for years now and increasing the number of large hauling trucks in the area will only exacerbate an already lingering problem. In addition, it goes without saying that landfills that exist

near a residential neighborhood stear trom them in terms of aesthetics, increase health risks, and decrease property values. Again, I hope you reconsider this decision to expand the landfill. I thank you for your time and attention. Sincerely, Celia Lopez Carverdale Community Resident

Ellie Guerra

From:

PUBCOMMENT-OCC

Sent:

Monday, February 27, 2023 11:18 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

2023-02-23 Hope Healing and Hooves Request for CCH on Application for TCEQ Permit

2185A.pdf

Н

From: cpickett@pickettlawgroup.com <cpickett@pickettlawgroup.com>

Sent: Thursday, February 23, 2023 11:43 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER: 2023-0265-MSW

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: MS Kathleen Cynthia Pickett

EMAIL: cpickett@pickettlawgroup.com

COMPANY: Pickett Law Group, PLLC

ADDRESS: 3050 POST OAK BLVD Suite 620

HOUSTON TX 77056-6527

PHONE: 7132213760

FAX:

COMMENTS: Please see attached document.

PICKETT LAW GROUP, PLLC

A PROFESSIONAL LIMITED LIABILITY COMPANY

LAKES ON POST OAK 3050 POST OAK BLVD., SUITE 620 HOUSTON, TEXAS 77056

TELEPHONE (713) 221-3760

FACSIMILE (713) 221-3762

KATHLEEN CYNTHIA PICKETT cpickett@pickettlawgroup.com

N. KIMBERLY HOESL khoesl@pickettlawgroup.com

ANITA KADALA akadala@pickettlawgroup.com

February 23, 2023

Laurie Gharis TCEQ Office of the Chief Clerk P.O. Box 13087, MC 105 Austin, Texas 78711 Via Electronic Filing

RE: Contested Case Hearing Request on USA Waste of Texas Landfills, Inc.'s Permit MSW-2185-A

Dear Ms. Gharis,

Our firm hereby respectfully **requests a contested case hearing** on behalf of Hope, Healing and Hooves, Inc. ("Hope, Healing and Hooves" or "Requester"). Major amendment application by USA Waste of Texas Landfills, Inc. ("Applicant") for Municipal Solid Waste Permit MSW-2185-A to vertically and laterally expand the Hawthorn Park Landfill ("Landfill") and authorize the operation of a Type IV municipal solid waste landfill facility at 10550 Tanner Road, Houston, Harris County, Texas 77041 should be denied.

Hope, Healing and Hooves filed comments in this matter on June 28, 2022. The allegations and evidence included in that filing are hereby incorporated by reference into this contested case hearing request.

Hope, Healing and Hooves is dedicated to enriching the lives of children (namely, underprivileged elementary school children who have experienced trauma) through an equestrian program that provides access to horses, equine-related education, and nature and encourages the exploration and enjoyment of respectful and positive relationships with others and the environment. Hope, Healing and Hooves has successfully collaborated with the Spring Branch Independent School District and Spring Shadows Elementary in effecting its program.

Hope, Healing and Hooves' equestrian program requires participating students to keep up attendance, grades, classroom participation and good behavior. Through Hope, Healing and Hooves, these children have access to horses and learn to care for and ride them and to spend time in the quietude of nature. The Hope, Healing and Hooves program has proven effective in: (1) improving the quality of life of the participating children, (2) fostering respect for, and relationships with, the horses they ride, (3) encouraging the children to build positive relationships at home and in school, (4) increasing confidence/self-confidence of children, (5) improving behavioral issues, and (6) improving grades and attendance.

A. Requester's Name, Address, Daytime Telephone Number and Fax Number

Name of Contested Case Hearing Requester: Hope, Healing and Hooves, Inc. through its counsel, Pickett Law Group, PLLC.

Contact Information for Hope, Healing & Hooves:

Hope, Healing and Hooves, Inc. c/o Kathleen Cynthia Pickett Pickett Law Group, PLLC Lakes on Post Oak 3050 Post Oak Boulevard, Suite 620 Houston, Texas 77056

Phone: (713) 221-3760 Fax: (713) 221-3762

Email: cpickett@pickettlawgroup.com

B. Applicant's Name and Permit Number

Permit Amendment Applicant's Name: USA Waste of Texas Landfills, Inc.

Permit Number: Municipal Solid Waste Permit 2185-A

C. Request for Contested Case Hearing

Hope, Healing and Hooves, through its counsel, hereby respectfully requests a contested case hearing on USA Waste of Texas Landfills, Inc.'s Municipal Solid Waste Permit 2185-A.

D. Location of Hope, Healing and Hooves' Facilities and Activities Relative to the Location of the Landfill

To serve more children and also serve children with disabilities and life-threatening diseases, Hope, Healing and Hooves must expand its current facilities. To that end, Hope, Healing and Hooves has secured the rights to a 12 acre site at 5610 Crawford Road (the "Property"), which is less than half a mile directly south of the Landfill. Hope, Healing and Hooves' planned expansion includes more horses, stables, a larger riding arena and increased access and exposure to nature for all program participants. Approval of MSW-2185-A could compromise or halt Hope, Healing and Hooves' plans for expanding its programs to the Property.

E. Hope, Healing and Hooves Would Be Adversely Affected by the Expanded Landfill

Hope, Healing and Hooves has a reasonable relationship with Applicant's Permit MSW-2185-A and justiciable interests that are not common to members of the general public. More specifically, Hope, Healing and Hooves will be affected by the proposed vertical and lateral expansion of the Landfill in a manner not common to members of the general public because use and enjoyment of the Property for recreational and business purposes will be impacted by the resulting degradation in environmental and aesthetic qualities and heightening of safety and health concerns. The Property is less than half a mile from the proposed Landfill expansion – an expansion that substantially increases the risk of having (1) unsafe emissions; (2) air, water and ground contamination; (3) foul odors; (4) noise pollution; (5) traffic-related issues; (6) windblown debris; and (7) dust.

The likely impact of the Landfill expansion, if permitted and carried out in accordance with the draft permit, is that Hope, Healing and Hooves' (1) use and enjoyment of the Property for many activities that rely on high-quality air, water and ground cover and quietude, including recreation, observation of wildlife habitat, artistic endeavors, educational endeavors, restorative measures, and mental health endeavors, will be restricted if not abrogated; (2) water supply and air and ground cover quality compromised; and (3) growth opportunities stymied. Additionally, the health and safety of Hope, Healing and Hooves' students, trainers, instructors, stable hands, and horses could be adversely impacted.

Hope, Healing and Hooves is, thus, an affected person with a concrete and particularized stake in the outcome of this matter and has the requisite standing necessary to obtain a contested case hearing.

F. Contested Issues of Fact and Law

Hope, Healing and Hooves provided timely comments on many issues and finds none of the Executive Director's responses to be satisfactory and that all issues raised in its comments remain in dispute. Hope, Healing and Hooves provided specific comments on issues addressed in certain of the Executive Director's enumerated Comment and Response pairings. Specifically, the Executive Director categorized the issues raised by Hope, Healing and Hooves into the following of the Executive Director's Comment and Response pairings: 6, 7, 10, 12, 14, 28, 43, 53-56, and 71. By addressing the issues raised by Hope, Healing and Hooves as categorized by the Executive Director, Hope, Healing and Hooves is not agreeing to such categorization or waiving any rights relating to the propriety of or the limitations imposed by such categorization n.

In this request for a contested case hearing, Hope, Healing and Hooves has attempted to group comments into general categories of issues and provide these explanations as to why the comments have not been addressed satisfactorily, without waiving any issues raised with more particularity in its comments:

Issue 1: Whether the permit is protective of air quality.¹

The expansions proposed in MSW-2185-A, including the addition of 100+ feet of vertical landfill capacity and processing, are of deep concern and have been contextually under-analyzed. According to MSW-2185-A, the remaining capacity of the Landfill is currently 71,724 cubic yards, but with the proposed expansions, the remaining capacity will increase to 16,106,490 cubic yards – more than a 224-fold increase, or more than 20,000%.

This intensification of activity will increase the proliferation of air pollutants that will settle and remain on the ground and vegetation and adversely affect the health of children and Hope, Healing and Hooves' human and animal workforce. Emissions from the facility and any vehicle emissions related to traffic to and from the facility are among the problematic air pollutants.

Responses 6 and 14 fail to address ground pollution or its effect on the health, safety, and quality of life of children and Hope, Healing and Hooves' human and animal workforce. Additionally, Responses 6 and 14 fail to address how the expected monitoring will prevent harm to the health of children and Hope, Healing and Hooves' human and animal workforce as a result of the uptick in air pollutant emissions. Without a formal health assessment and TCEQ's failure to consider the effects on air quality from increased numbers of diesel trucks, alone or in combination with any other factors, TCEQ is unable to ensure that issuance of the landfill permit will protect human and animal health and the environment.

Issue 2: Whether malodor and dust conditions will be created.²

The proposed expansions will generate malodor and dust that will irritate allergies, can affect breathing, and can make outdoor activity unpleasant or unsafe.

Responses 7 and 56 fail to substantively address malodor or dust and their effects or the increased risks to the health and safety of children and Hope, Healing and Hooves' human and animal workforce resulting from malodor or dust. In fact, Responses 7 and 56 only address the occurrence of nuisance conditions, and health and safety are not nuisance conditions. Further, Responses 7 discusses dust on roads and the use of a motorized power broom or other equipment to remove dust from such roads. Response 7 does not address the possibility that such broom and equipment may exacerbate the health and safety issues by increasing the amount of circulating dust. Additionally, Response 7 neglects to address dust from non-road areas. Response 7 provides that a weekly covering of waste **should** reduce the potential for nuisance conditions but does not go so far as to say that it will.

Issue 3: Whether impacts of the proposed expansion on water quality have been adequately addressed.³

Among others, this relates to the Executive Director's Comment/Response No. 6 and 14.

² Among others, this relates to the Executive Director's Comment/Response Nos. 7 and 56.

³ Among others, this relates to the Executive Director's Comment/Response No. 10.

The existing and proposed liners are insufficient to address the added weight resulting from a 20,000% increase in capacity. Contaminated groundwater and surface water resulting from inadequate liners is clearly dangerous for children, horses, Hope, Healing and Hooves' human and animal workforce, and the underserved communities of the Carverdale area.

Without specifically addressing the increased weight and capacity and their impact on the adequacy of the liners, Response 10 concludes that the existing liner and proposed liners sufficiently protect human health and the environment. Hope, Healing and Hooves disputes the conclusions in Response 10.

Issue 4: Whether impacts of the proposed expansion on flooding have been adequately addressed.⁴

The proposed expansions substantially elevate drainage and flooding risks. The Landfill blocks the drainage break via Tanner Road, which effectively pushes the drainage to the south resulting in increased risk of flooding.

Response 12 does not address the blockage and its effects on drainage or how the enlarged detention pond, culverts or drainage channels will prevent the increased drainage to the south.

Response 12 says that the "application states that facility post-development discharge rates from the site constructed and operated in accordance with the proposed surface drainage system should be no greater than the pre-development discharge rates, and the discharge volumes and time-to-peak are similar." Given the 20,000% increase in capacity, Hope, Healing and Hooves disputes that the facility post-development discharge rates from the site constructed and operated in accordance with the proposed surface drainage system should be no greater than the pre-development discharge rates, and the discharge volumes and time-to-peak are similar.

Response 12 also says that the "application states that no portion of the existing or proposed waste disposal areas is located within a 100-year floodplain." Hope, Healing and Hooves disputes that that no portion of the existing or proposed waste disposal areas is located within a 100-year floodplain.

Hope, Healing and Hooves disputes the Executive Director's preliminary determination that "the facility design and operation satisfy the applicable rule requirements regarding surface drainage, flood plain siting, and flooding".

Issue 5: Whether impacts of the increased weight resulting from the proposed expansion have been properly addressed.⁵

⁴ Among others, this relates to the Executive Director's Comment/Response No. 12.

⁵ Among others, this relates to the Executive Director's Comment/Response No. 28.

The expansions proposed in MSW-2185-A, including the addition of 100+ feet of vertical landfill capacity and processing, are of deep concern and have been contextually under-analyzed. According to MSW-2185-A, the remaining capacity of the Landfill is currently 71,724 cubic yards, but with the proposed expansions, the remaining capacity will increase to 16,106,490 cubic yards - an increase of over 224-fold, or more than 20,000%.

Response 28 mentions a settlement analysis and a stability analysis provided by Applicant but fails to address what steps were taken to verify the accuracy of such analysis and whether the methodology used to perform that analysis is reliable and follows principles of good engineering.

Hope, Healing and Hooves respectfully disagrees with the Executive Director's preliminary determination that the application complies with the requirements of 30 TAC § 330 Subchapter H for the proposed expansion.

Issue 6: Whether the proposed expansion will interfere with Hope, Healing and Hooves' land use.⁶

The proposed expansion is inconsistent and incompatible with Hope, Healing and Hooves' planned use and enjoyment of the Property for recreational and business purposes. The resulting degradation in environmental and aesthetic qualities and heightening of safety and health concerns will negatively impact Hope, Healing and Hooves. Hope, Healing and Hooves will be unable to use and enjoy the Property for activities that rely on high-quality air, water and ground cover and quietude, including recreation, observation of wildlife habitat, artistic endeavors, educational endeavors, restorative measures, and mental health endeavors. The proposed expansion will create an eyesore with the 100-foot tall vertical expansion that will easily tower over the neighboring areas, impacting the children and staff and horses of Hope, Healing and Hooves who would look out upon a mountain of trash. The quietude of children in nature with the horses will surely be less therapeutic. The proposed expansion will increase the volume, weight and type of traffic on Tanner Road. Increased traffic means increased noise which undoubtedly would distract and be detrimental to the horses and the ability of the children of Hope, Healing and Hooves to spend quiet time outdoors with the horses and nature. Additionally, the health and safety of Hope, Healing and Hooves' students, trainers, instructors, stable hands, and horses could be adversely impacted.

Response 43 does not address whether the proposed expansion will interfere with Hope, Healing and Hooves land use.

Response 53 fails to address the aesthetic impact of the proposed expansion on the children and staff and horses of Hope, Healing and Hooves.

Issue 7: Whether impacts of the proposed expansion on traffic and conditions of area roads have been adequately addressed.⁷

⁶ Among others, this relates to the Executive Director's Comment/Response Nos. 43 and 53.

⁷ Among others, this relates to the Executive Director's Comment/Response No. 54.

The proposed expansion is expected to contribute approximately 130 vehicles per day in the first year of operation to about 280 vehicles per day towards the end of the facility life. Vehicles accessing the landfill include trucks, employee vehicles, visitors' vehicles, and other vehicles. Increased traffic means increased noise which undoubtedly would distract and be detrimental to the horses and the ability of the children of Hope, Healing and Hooves to spend quiet time outdoors with the horses and nature. The quietude of children in nature with the horses will surely be less therapeutic. Additionally, the health and safety of Hope, Healing and Hooves' students, trainers, instructors, stable hands, and horses could be adversely impacted. Poor quality roads will negatively impact access to Hope, Healing and Hooves.

Response 54 fails to address the impact of increased traffic on the health and safety of children and Hope, Healing and Hooves' human and animal workforce or how the increased traffic could lessen the therapeutic effect of Hope, Healing and Hooves' equine program and, thereby, negatively affect its growth opportunities.

Issue 8: Whether litter and windblown waste conditions will be created.⁸

The proposed expansions will result in increased litter and windblown waste that will irritate allergies, can affect breathing, can frighten the horses, make things unsightly, and can make outdoor activity unpleasant or unsafe. Increased traffic to and from the facility will result in more litter and debris strewn along roadways making things unsightly and adversely impacting access to Hope, Healing and Hooves. The proposed expansion may exacerbate the illegal dumping of trash that already occurs outside the Landfill when the Landfill rejects waste brought to the Landfill or is closed or otherwise inaccessible.

Response 55 fails to substantively address the effects of litter and windblown waste on the health and safety of children and Hope, Healing and Hooves' human and animal workforce. Response 55 states that Applicant is responsibile for cleaning up waste materials spilled or deposited along Tanner road lies for a distance of two miles from the entrance. The amount of trash strewn along roadways near the Landfill indicates that either Applicant is shirking its responsibilities or that the two-mile radius is ineffective in preventing people who, upon finding the Landfill closed, deposit their waste materials along the road.

Response 71 fails to address the increased potential of illegal dumping of trash, and, instead, offers purported solutions that have been ineffective in preventing illegal dumping with the comparatively *de minimus* volume of waste processed at the Landfill currently.

Conclusion

Based on the above and its previous filings in this matter, Hope, Healing and Hooves requests a contested case hearing, requests reconsideration by the Executive Director and requests denial of the permit application.

⁸ Among others, this relates to the Executive Director's Comment/Response Nos. 55 and 71.

Hope, Healing and Hooves reserves the right to raise and pursue any and all issues that may be relevant to its interests in the event of a contested case hearing.

Thank you for the attention you accord Hope, Healing and Hooves concerns. If we may be of further assistance or provide additional information, please do not hesitate to contact me.

Very truly yours,

K. Cynthia Pickett

N. Kimberly Hoesl

Anita Kadala

Debbie Zachary

From:

PUBCOMMENT-OCC

Sent:

Wednesday, June 29, 2022 2:13 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

2022-06-28 HHH Comment to Application for TCEQ Permit 2185A.pdf

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From: cpickett@pickettlawgroup.com <cpickett@pickettlawgroup.com>

Sent: Tuesday, June 28, 2022 5:27 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Kathleen Cynthia Pickett

EMAIL: cpickett@pickettlawgroup.com

COMPANY: The Pickett Law Group PLLC

ADDRESS: 3050 POST OAK BLVD Ste. 620

HOUSTON TX 77056-6527

PHONE: 7132213760

FAX:

COMMENTS: Please see attachment.

PICKETT LAW GROUP, PLLC

A PROFESSIONAL LIMITED LIABILITY COMPANY

LAKES ON POST OAK 3050 POST OAK BLVD., SUITE 620 HOUSTON, TEXAS 77056

TELEPHONE (713) 221-3760

FACSIMILE (713) 221-3762

KATHLEEN CYNTHIA PICKETT cpickett@pickettlawgroup.com

N. KIMBERLY HOESL khoesl@pickettlawgroup.com

ANITA KADALA akadala@pickettlawgroup.com

June 28, 2022

Laurie Gharis TCEQ Office of the Chief Clerk P.O. Box 13087, MC 105 Austin, Texas 78711

RE: USA Waste of Texas Landfills, Inc.'s Permit Amendment Application MSW-2185-A

Dear Ms. Gharis,

Our firm submits the following comments, on behalf of our client Hope, Healing and Hooves, Inc. ("Hope, Healing and Hooves"), in opposition to the proposed expansion of Hawthorn Park Landfill ("Landfill") as set forth in Permit Amendment Application MSW-2185-A ("MSW-2185-A").

By providing an equestrian program that requires participating students to keep up attendance, grades, classroom participation and good behavior, Hope, Healing and Hooves enriches the lives of underprivileged elementary school children who have experienced trauma. Through Hope, Healing and Hooves, these children have access to horses and learn to care for and ride them and to spend time in the quietude of nature. The Hope, Healing and Hooves program has proven effective in: (1) improving the quality of lives of children, (2) fostering respect for, and relationships with, the horses they ride, (3) encouraging the children to build positive relationships at home and in school, (4) increasing confidence/self-confidence of children, (5) improving behavioral issues, and (6) improving grades and attendance. Hope, Healing and Hooves has successfully collaborated with the Spring Branch Independent School District and Spring Shadows Elementary in achieving these goals.

Hope, Healing and Hooves wants to serve more children and also serve children with disabilities and life-threatening diseases. To that end, Hope, Healing and Hooves has secured the rights to expand its program to a 12 acre site at 5610 Crawford Road, which is less than half a mile directly south of the Landfill. Hope, Healing and Hooves' expanded facilities include more horses, stables, a larger riding arena and nature. If the proposed expansion of the Landfill facilities is approved, Hope, Healing and Hooves' plans for expanding its programs to the 5610 Crawford Road location could be compromised, if not, halted.

The expansions proposed in MSW-2185-A ("Proposed Expanded Facilities"), including the addition of 100+ feet of vertical landfill capacity and processing, are of deep concern and have been

contextually under-analyzed. According to MSW-2185-A, the remaining capacity of the Landfill is currently 71,724 cubic yards, but with the Proposed Expanded Facilities, the remaining capacity will increase to 16,106,490 cubic yards -- an increase of over 224-fold, or more than 20,000%.

Such an enormous increase in capacity comes with a vast increase of weight on the underlying ground, but MSW-2185-A gives short shrift to the impact of this added weight.

The Proposed Expanded Facilities substantially elevate the risks of groundwater and surface water contamination, drainage and flooding risks, air pollution and odor problems. Contaminated groundwater and surface water is clearly dangerous for children, horses, and the underserved communities of that area. The Carverdale area is in a FEMA Flood Zone and already suffers from frequent flooding. Air pollution settles and coats local vegetation which horses tend to eat or lick and on which children will walk or play. Odor and dust irritate allergies, can affect breathing, and make outdoor activity unpleasant at the very least. MSW-2185-A does not substantively address windblown litter, dust and their effects.

The Proposed Expanded Facilities will increase the volume, weight and type of traffic on Tanner Road. Increased traffic means increased noise which undoubtedly would distract and be detrimental to the horses and the ability of the children of Hope, Healing and Hooves to spend quiet time outdoors with the horses and nature.

The Proposed Expanded Facilities will create an eyesore with the 100-foot tall vertical expansion that will easily tower over the neighboring areas, impacting the children and staff and horses of Hope, Healing and Hooves who would look out upon a mountain of trash. The quietude of children in nature with the horses would surely be less therapeutic.

MSW-2185-A does not adequately address or offset any of the risk. The concerns cited in this letter are not intended to be exhaustive, and Hope, Healing and Hooves reserves the right to raise additional concerns and issues after it has the opportunity to further evaluate MSW-2185-A.

On behalf of our client Hope, Healing and Hooves, Inc., we request a Contested Case Hearing to be held on Permit Amendment Application MSW-2185-A and that Hope, Healing and Hooves, Inc.'s opposition be heard, considered and filed in the record.

Very truly yours.

K. Cynthia Pickett N. Kimberly Hoesl

Anita Kadala

Melissa Schmidt

From:

PUBCOMMENT-OCC

Sent:

Monday, August 16, 2021 2:37 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Н

From: lillyrambo@yahoo.com <lillyrambo@yahoo.com>

Sent: Monday, August 16, 2021 11:30 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: D Rambo

E-MAIL: lillyrambo@yahoo.com

COMPANY:

ADDRESS: 4403 LANGTRY LN HOUSTON TX 77041-9201

PHONE: 7132421682

FAX:

COMMENTS: I OBJECT to the the proposed enlargement of this waste facility. Do not make this larger. I live near this facility and the noise, traffic and smell re not appropriate for such a densely populated area. And I do not want this loud, smelly, and ugly sight near my home that I will see as I travel in and around the area. In addition, my property will lose value as this expansion becomes common knowledge. I request a contested Case Hearing so this can be STOPPED. Thank you!

Melissa Schmidt

From:

PUBCOMMENT-OCC

Sent:

Monday, August 16, 2021 2:39 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

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From: rrigdon1@aol.com <rrigdon1@aol.com>
Sent: Monday, August 16, 2021 11:25 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Robert Rigdon

E-MAIL: rrigdon1@aol.com

COMPANY:

ADDRESS: 4403 LANGTRY LN HOUSTON TX 77041-9201

PHONE: 2814960743

FAX:

COMMENTS: I do NOT want the waste facility expanded. I am a few miles from this location and the smell and ugly sight of this will negatively impact my enjoyment of this area. I request a contested case hearing so this can be STOPPED and blocked.

Ellie Guerra

From:

PUBCOMMENT-OCC

Sent:

Monday, February 27, 2023 11:06 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

Contested Case Hearing Request - 2-23-231.pdf

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RFR

From: sarah.utley@harriscountytx.gov <sarah.utley@harriscountytx.gov>

Sent: Thursday, February 23, 2023 12:09 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER: 2023-0265-MSW

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Sarah Utley

EMAIL: sarah.utley@harriscountytx.gov

COMPANY: Harris County

ADDRESS: 1019 CONGRESS ST FL 15

HOUSTON TX 77002-1799

PHONE: 8325969786

FAX:

COMMENTS: Please see attached for Harris County request for a contested case hearing.



February 23, 2023

Via E-Comments

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

Re:

Harris County's Request for a Contested Case Hearing; USA Waste of Texas Landfills, Inc.; Municipal Solid Waste Permit Major Amendment; Permit Number 2185A; Regulated Entity ID. No. RN102664232

Dear Ms. Gharis:

Harris County, a local subdivision of the State of Texas (Harris County or the County), files this request for a contested case hearing and request for reconsideration of the TCEQ Executive Director's Decision on TCEQ Permit MSW-2185A.

A. Background

USA Waste of Texas Landfills, Inc. (USA Waste) currently operates the Hawthorn Park Recycling and Disposal Facility (Hawthorn Landfill), a Type IV Landfill at 10550 Tanner Road, Houston, Harris County, Texas. On February 23, 2021, USA Waste filed an application for a major amendment to Permit MSW-2185 for a vertical and lateral expansion of Hawthorn (Permit Application). On February 10, 2022, the Texas Commission on Environmental Quality issued a Notice of Application and Preliminary Decision (NAPD) on the Permit Application.

B. Timely Requests for Contested Case Hearing

Timely Request

A request for contested case hearing must be filed no later than 30 days after the chief clerk mails or otherwise transmits the executive director's decision and response to comments. 30 Tex. Admin. Code § 55.201. The Executive Director's Decision and Response to Comments (RTC) was filed January 24,

2023, and 30 days thereafter, is Thursday, February 23, 2023. Accordingly, the deadline to file a request for a contested case hearing is February 23, 2023. 30 Tex. Admin. Code § 1.7. Therefore, Harris County's request for a contested case hearing filed on February 23, 2023 is timely.

C. Request for a Contested Case Hearing

On February 21, 2023, due to concerns that Permit MSW-2185A posed a potential threat to the environment, health and welfare of Harris County, Harris County Commissioners Court authorized the Harris County Attorney to oppose the Permit Application and to take any and all steps necessary to protect the interests of the County and its residents. Pursuant to that authority, Harris County respectfully requests a contested case hearing on the Permit Application.

1. Name, address, daytime phone, and fax number.

Harris County is represented by the Harris County Attorney's Office, and may be reached through Assistant County Attorney, Sarah Jane Utley.

Sarah Jane Utley Environmental Division Director Harris County Attorney's Office 1019 Congress, 15th Floor Houston, Texas 77057 Phone: 713-274-5124

Cell: 832-596-9786 Fax: 713-437-4211

Email: sarah.utley@harriscountytx.gov

According to TCEQ rules, "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 § 55.103. "[G]overnmental entities, including local governments . . . with authority under state law over issues raised by the application may be considered affected persons." 30 Tex. Admin. Code § 55.203(b).

2. Harris County is an "Affected Person"

a. Harris County is an Environmental Regulator

Harris County, a local subdivision of the State of Texas, is a local government. Tex. Health Safety Code §§ 361.003(17) and 382.003(8); and Tex. Water Code § 26.001(18). As a local government, Harris County has the authority to inspect Hawthorn Landfill for compliance with various state environmental statutes, and TCEQ rules and orders issued thereunder. Tex. Health Safety Code §§ 361.032 and 382.111; and Tex. Water Code § 26.173. In addition to these investigatory powers, Harris County, as a local government, has the authority to file civil suit in the same manner as the TCEQ for injunctive relief, civil penalties, or both. Tex. Water Code § 7.351.

Harris County Pollution Control Services (Pollution Control) is the Harris County department designated to inspect facilities in Harris County for compliance with environmental quality laws and regulations (air, water, and waste), review permit applications, and submit comments to the TCEQ on permitting actions. Pollution Control works closely with the TCEQ's Houston regional office, and as a matter of course, the TCEQ's Houston regional office refers a substantial portion of environmental complaints from Harris County citizens to Pollution Control (including nuisance complaints). As a part of its mission, Pollution Control conducts investigations, both routine and complaint initiated, and, when appropriate, issues Violation Notices, and refers cases to the Harris County Attorney's Office or District Attorney's Office for civil or criminal enforcement. Pollution Control reviewed the Permit Application and submitted comments to the TCEQ on June 2, 2021 and April 7, 2022 highlighting concerns with the expansion and permit terms.

As shown, Harris County has authority under state law over the issues raised in the Permit Application and is active in its role as a regulator and enforcer of environmental statutes, TCEQ rules and orders. Proposed Permit MSW-2185A for Hawthorn Landfill impacts Harris County's responsibility to actively enforce the applicable environmental statutes and regulations. Accordingly, Harris County has a justiciable interest in the terms, conditions, and requirements of the Permit MSW-2185A, and those interests are unique from the interests of the general public.

b. Tanner Road is owned and operated by Harris County

Tanner Road, which borders the southern boundary of Hawthorn Landfill, is owned and operated by Harris County and on the Harris County Road Log. Placement on the Harris County Road Log allows Harris County to expend funds on a road, including expenditures on road maintenance. *See* Harris County Road Law, Section 31-C. *Figure 1* demonstrates the proximity of Tanner Road to Hawthorn Landfill. According to the Permit Application, the Hawthorn Landfill entrance, center waste block and

¹ Harris County has the ability to conduct an investigation or pursue enforcement within its jurisdiction, which includes everything within the physical boundaries of Harris County. Hawthorn is within the physical boundaries of Harris County and therefore within its jurisdiction.

detention pond all front to Tanner Road. See Permit Application, Site Layout Plan, Figure II-4. As such, Tanner Road will be the primary access point to Hawthorn Landfill and is included in the Permit Application Transportation Analysis. Given the proximity of Hawthorn Landfill to Tanner Road, projected increased traffic from Hawthorn Landfill operations, and potential for operations to increase windblown litter and solid waste into the Tanner Road right-of-way, Harris County is concerned that the expansion will impact Harris County operations, road capacity, and maintenance needs.

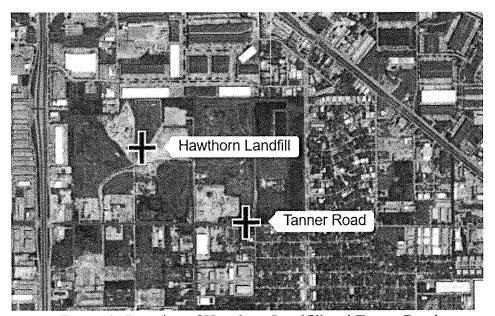


Figure 1: Location of Hawthorn Landfill and Tanner Road

Accordingly, Harris County has a justiciable interest in the Hawthorn Landfill expansion, and the terms, conditions, and requirements of the Permit and those interested are unique from the interests of the general public.

D. Disputed Legal and Factual Issues

On June 2, 2021 and April 7, 2022, Pollution Control filed substantive comments on the Permit Application, none of which have been withdrawn. In the RTC, the TCEQ noted Pollution Control timely filed comments. RTC, Attachments 1 through 16, identification of timely comment submission by Dr. Latrice Babin. Harris County requests the following relevant and material disputed issues of fact and law be addressed through a contested case hearing:

- 1) Whether the Permit Application adequately protects human health and the environment as required by 30 Tex. Admin. Code Chapter 330 and Tex. Health and Safety Code § 361.002;
- Whether the proposed expansion adversely impacts human health, or the environment as prohibited by 30 Tex. Admin. Code § 330.61. Harris County is concerned that the proposed expansion will have a detrimental impact on Harris County and the surrounding area, including nearby communities, groups, and residents.
- 3) Whether the Permit Application adequately protects against the creation and maintenance of nuisance conditions as required by 30 Tex. Admin. Code § 330.15;
- Whether the Permit Application Transportation Study is adequate, properly assesses the adequacy of roads that will be used to access Hawthorn Landfill, provides accurate current and projected data on traffic volumes, and adequately demonstrates that Hawthorn coordinated designs of proposed roadway improvements as required by 30 Tex. Admin. Code § 330.61;
- 5) Whether the Permit Application Landfill Gas Management Plan and proposed landfill gas monitoring probes are adequate as required by 30 Tex. Admin. Code §§ 330.63 and 330.371;
- Whether the Permit Application Odor Management Plan is adequate as required by 30 Tex. Admin. Code §§ 330.7 and 330.149.
- Whether the Permit Application adequately sets forth procedures to prevent the acceptance of prohibited wastes, including hazardous wastes and PBCs, and how such waste will be handled if illegally accepted as required by 30 Tex. Admin. Code §§ 330.127 and 330.133;
- 8) Whether the Permit Application adequately provides for Hawthorn Landfill to maintain records to demonstrate compliance with the proposed permit and TCEQ rules as required by 30 Tex. Admin. Code § 330.125;
- 9) Whether the Permit Application Site Operating Plan disease vector control procedures meet the requirements of 30 Tex. Admin Code § 330.151;
- Whether the Permit Application Site Operating Plan procedures for disease vector control will prevent the maintenance and creation of a nuisance as required by § 330.15; and
- 11) Whether the proposed expansion and Permit Application violate Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., and run contrary to Executive Orders

12,898,² 13,166,³ and 13,985,⁴ because it unjustifiably creates and perpetuates a disproportionately high pollution burden on racial and ethnic minorities, Limited English Proficient people, and low-resource people.

Harris County appreciates your attention to this matter. If any additional information is required to qualify as an affected person for contesting this application, please contact me at sarah.utley@harriscountytx.gov or (832)596-9786.

Sincerely,

CHRISTIAN D. MENEFEE Harris County Attorney

JONATHAN G. C. FOMBONNE First Assistant County Attorney

TIFFANY S. BINGHAM Managing Counsel, Affirmative Litigation, Environmental & Compliance

SARAH J. UTLEY

Division Director, Environmental

ANNIE HUTSON

Assistant County Attorney

Environmental Division

1019 Congress, 15th Floor

Houston, Texas 77002

Telephone: (713) 755-5101

sarah.utley@harriscountytx.gov annie.hutson@harriscountytx.gov

² Exec. Order No. 12,898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 Fed. Reg. 7,629 (Feb. 16, 1994).

³ Exec. Order 13,166, Guidance to Environmental Protection Agency Federal Financial Aid Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affection Limited English Proficient Persons, 69 Fed. Reg. 35,602 (Jun. 25, 2004).

⁴ Exec. Order No. 13,985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, 86 Fed. Reg. 7,009 (Jan. 25, 2021).

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ewotring@bakerwotring.com
jmuir@bakerwotring.com

ATTORNEYS FOR HARRIS COUNTY, TEXAS

cc: Via Email

Dr. Latrice Babin, Director, Harris County Pollution Control Services Department

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Monday, March 28, 2022 4:00 PM

To:

PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

2022.03.28 Hawthorn Public Meeting Letter-1.pdf

PM

From: sarah.utley@cao.hctx.net <sarah.utley@cao.hctx.net>

Sent: Monday, March 28, 2022 12:24 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: Texas

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Sarah J Utley

E-MAIL: <u>sarah.utley@cao.hctx.net</u>

COMPANY: Harris County Attorney's Office

ADDRESS: 1019 CONGRESS ST FL 15

HOUSTON TX 77002-1799

PHONE: 7132745124

FAX:

COMMENTS: Please see attached letter regarding the Harris County Attorney's Office request that TCEQ hold an inperson meeting on the Application and Preliminary Decision, provide a minimum of 30-days notice in English and Spanish, and that limited English Proficient individuals be provided professional Spanish language interpretation services.



OFFICE OF THE HARRIS COUNTY ATTORNEY CHRISTIAN D. MENEFEE

March 28, 2022

Via TCEQ E-Comments

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

Re: Request for a Public Meeting; USA Waste of Texas Landfills Inc., Application for Municipal Solid Waste Permit No. 2185A; 10550 Tanner Road, Houston, Texas

Dear Ms. Gharis:

On February 23, 2021, the TCEQ received an application from USA Waste of Texas Landfills, Inc. for a major permit amendment (the Application) to vertically and laterally expand its Type IV landfill at 10550 Tanner Road, Houston, Texas (the Facility). The Texas Commission on Environmental Quality (TCEQ) Executive Director has made a preliminary decision that the Application meets all state regulatory requirements (Preliminary Decision). On behalf of Harris County residents, the Harris County Attorney's Office requests that TCEQ hold an in-person public meeting on the Application and Preliminary Decision, provide a minimum of 30 days' notice in English and Spanish, and that limited English Proficient (LEP) individuals be provided professional Spanish language interpretation services.

Community Concern

The TCEQ rules require a public meeting when "there is a substantial or significant degree of public interest in an application." 30 Tex. Admin. Code § 55.154(c)(1). To date, over 270 comments have been filed with the TCEQ on the Application, along with 11 requests for a public meeting and 28 requests for a contested case hearing. Comments submitted by community members include concerns about health and safety, traffic, dust, emissions, increased visibility, and nuisance conditions from odors and vectors. The magnitude of community concern with the proposed landfill expansion has also garnered substantial media attention. The substantial amount

¹ Ballard, Moriah, KPRC-TV (NBC), "Neighbors frustrated over landfill expansion in NW Houston neighborhood" (Mar. 17, 2022), https://www.click2houston.com/news/local/2022/03/18/neighbors-frustrated-over-landfill-expansion-in-nw-houston/; Ernst, Sara Willa, Texas Standard, "Houston's Carverdale landfill is one step closer to expanding despite local protests (Feb. 23, 2022), https://www.texasstandard.org/stories/houstons-carverdale-landfill-is-one-step-closer-to-expanding-despite-local-protests/; Lloyd, Danica, Community Impact Newspaper, "Carverdale

of public engagement, media coverage coupled with the size and significant potential adverse effects of this project more than meet TCEQ's standard for granting public meetings.

Request for Spanish Interpretation at the Public Meeting

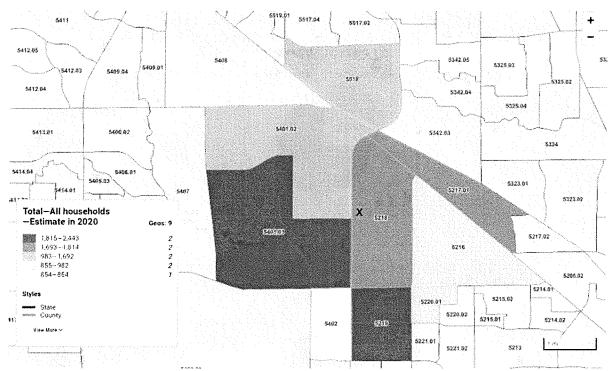
The Harris County Attorney's Office requests that the TCEQ require the permittee to provide Spanish interpretation at the public meeting. TCEQ's own records reflect a high level of interest in the Application from Spanish speaking Limited English Proficient (LEP) individuals – among the hundreds of comments filed with the TCEQ on the Application, over 60 were in Spanish. According to the most recent 2020 U.S. Census data, the communities surrounding the Facility include linguistically isolated populations-12% of the households in Census Tracts bordering the Facility, including the Facility, are considered limited English-speaking households.² Seventy-five percent of LEP households near the Facility are Spanish speaking and Spanish speaking LEP Households comprise 9% of total households in the same census tracts. The relevant Census Tracts are:

Census tract	Total number of	Total number of	Total number of		
	households	LEP households	Spanish speaking		
			households		
5216	943	128	103		
5217.01	1,814	742	742		
5218 (Facility location)	1,791	162	121		
5219	2,443	215	63		
5220.01	982	145	121		
5401.01	2,272	74	36		
5401.02	1,692	168	93		
5402	854	111	63		
5518	1,628	22	0		
Total	14,419	1,767	1,342		

Table 1: Total number of households, LEP populations, and Spanish speaking LEP populations by U.S. Census Tract for Census Tracts that are adjacent to the Facility, including the Census Tract for the Facility

residents combat proposed expansion" (Oct. 1, 2021), https://communityimpact.com/houston/cy-fair/environment/2021/10/01/carverdale-residents-combat-proposed-landfill-expansion/; Lopardi, Michael, KPRC-TV (NBC), "'Very bad for the neighborhood': Neighbors fight proposed landfill expansion near Houston's Carverdale area" (Jun. 28, 2021), https://www.click2houston.com/news/local/2021/06/29/very-bad-for-the-neighborhood-neighbors-fight-proposed-landfill-expansion-near-houstons-carverdale-area/.

² Data from the 2016-2020 American Community Survey. Limited English Speaking Households are defined households where all members 14 years or older have some difficulty with English.



Map 1: U.S. Census Tracts showing LEP population density in and adjacent to the Facility location labeled as X

FIGURE 1: PERCENTAGE OF LEP HOUSEHOLDS IN SELECTED CENSUS TRACTS

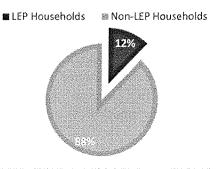


FIGURE 2: PERCENTAGE OF SPANISH SPEAKING HOUSEHOLDS OUT OF ALL LEP HOUSEHOLDS IN SELECTED CENSUS TRACTS

■ Spanish Speaking LEP Households

Mon-Spanish Speaking LEP Households



FIGURE 3: PERCENTAGE OF SPANISH SPEAKING HOUSEHOLDS OUT OF ALL HOUSEHOLDS IN SELECTED CENSUS TRACTS

■ Spanish Speaking LEP Households

M Non-Spanish Speaking Households



The TCEQ Language Access Plan adopts a four-factor test developed by the U.S. Department of Justice to ensure that LEP individuals have meaningful access to TCEQ programs, including TCEQ permitting matters. The four-factor test balances the following factors to determine what level of language services is required, if any: (1) the number or proportion of LEP individuals eligible to be served or likely to encounter TCEQ services; (2) the frequency with which LEP individuals encounter a TCEQ program, activity, or service; (3) the nature and importance of services to LEP individuals; and (4) the resources available to the TCEQ and the overall cost to provide LEP assistance.

Given that 12% of the households surrounding the Facility are LEP households and the fact that the TCEQ received over 60 comments in Spanish on the Application, bilingual public meeting notice and professional language interpretation services are warranted for this permit application. TCEQ routinely hosts community functions in Harris County where Spanish interpretation has been necessary as such, this request should not be out of the ordinary for TCEQ. Community members allege serious concerns regarding the technical merits of the Application. The Application is complex and if TCEQ grants the permit amendment, it would last for years like TCEQ landfill permits typically do.

³ TCEQ, TCEQ Language Access Plan, Gl-608 (Sept. 2021), https://www.tceq.texas.gov/downloads/agency/decisions/participation/language-access-plan-gi-608.pdf.

Should cost be a concern, TCEQ could require that the permittee to pay for interpretation services at a public meeting – not the TCEQ – such as in past TCEQ permitting matters. In this case, the TCEQ's four-part test requires the agency to provide Spanish translation and interpretation services at any public meetings held on the Application. Furthermore, TCEQ's Language Access Plan states that TCEQ will provide translation for significant agency decisions when 5% or more of the effected populations comprises LEP individuals.⁴ That 5% standard is more than met on this Application. Without language services, LEP individuals will not be able to meaningfully participate and therefore would be deprived of the benefits of TCEQ's public participation process, such as the ability to effect changes to the permit.

TCEQ rules rely on data from the nearest elementary or middle schools to a facility to trigger alternative language notice requirements. See 30 Tex. Admin. Code § 39.426. The communities surrounding the Facility are served by the Cypress-Fairbanks Independent School District and elementary aged children either attend Bane or Kirk Elementary Schools. Texas Education Agency 2020-21 School Report Cards for both schools are attached as Exhibit A. Both schools have more than 45% of enrolled students that are categorized as English Learners. Both have a very high percentage of Economically Disadvantaged students, 92.1% at Bane and 76.4% at Kirk. Economically Disadvantaged students experience food insecurity and the federal government ensures that they receive at least two hot meals a day either free or at a reduced cost.

The TCEQ recently adopted a host of rules related to language access – including when interpretation services are required for public meetings. As adopted, the new rules require interpretation when the TCEQ Chief Clerk has received comments in an alternative language ⁵ – as has occurred here where over 60 comments were filed with the Chief Clerk in Spanish. This new rule is effective for applications declared administratively complete on or after May 1, 2022, however this is clearly the standard TCEQ determined was necessary to provide language access services for LEP individuals. Further, at a March 3, 2022, TCEQ stakeholder meeting to take comment on TCEQ's new public participation plans, agency staff stated that the plans formalize existing agency practice. Thus, no less should be required for this Facility merely because the application was complete before May 1, 2022.

Request for an In-Person Public Meeting

In addition to the language access challenges discussed above, households near the Facility have reduced internet access, limiting their ability to participate in a virtual public meeting. According to the 2019 American Community Survey, anywhere from 7.5% to 28% of households surrounding the Facility lack internet. See attached for Exhibit B, which includes data from the 2019 American Community Survey. Unless the public meeting has in an-person attendance option, many residents will not be able to participate.

The EPA Resource Conservation and Recovery Act Public Participation Manual provides that conducting effective public participation in environmental justice communities requires an

⁴ See TCEQ Language Access Plan at 4.

⁵ 30 Tex. Admin. Code § 39.426(d)(2).

⁶ U.S. Census Bureau, https://www.census.gov/data.html.

approach that is "tailored to the specific, unique needs of the particular community where activities are currently in the process of implementation." Further, according to EPA, "[m]eaningful public involvement consists of informing, consulting, and working with potentially affected and affected communities at various stages of the permitting process to address their concerns." EPA has also recommended to federal funding recipients that they "[c]onsider tailoring and integrating public involvement practices that engage communities into as many stages of the process as appropriate, so that public involvement becomes more of a 'culture' of how agencies think and operate, as opposed to a list of measures to check off as they are completed."

Due to the low levels of internet access, the Harris County Attorney's Office requests that the TCEQ provide an in-person public meeting on the Application and Preliminary Decision. It is imperative that the residents have an opportunity to participate in the permitting process for the Facility located in their community. An in person public hearing would allow residents to ask questions and provide oral comments on the Application and Preliminary Decision.

An EPA EJSCREEN report for a 1-mile radius from the Facility is attached as **Exhibit C**. The report demonstrates that the communities surrounding the Facility are environmental justice communities – they are in the 70 to 90th percentiles for indexes related to particulate matter, ozone, lead pain, RMP facility proximity, and hazardous waste and are overwhelmingly people of color and linguistically isolated. *See* Exhibit B, page 3. Based on the EJSCREEN report and the additional data above, the Harris County Attorney's Office respectfully requests that TCEQ hold a public meeting on the Application, that the TCEQ issue public meeting notices in Spanish and English, that the meeting be in-person, and that professional Spanish interpretation services be provided at the public meeting. To do otherwise will deny individuals their right to participate in the TCEQ permitting process.

Sincerely,

CHRISTIAN D. MENEFEE

County Attorney

Sarah Jane Utley

Environmental Division Director

<u>Via Email</u>

cc:

Dr. Latrice Babin, Director, HCPCS

⁷ EPA, Resource Conservation and Recovery Act Public Participation Manual at 5 (citing the National Environmental Justice Advisory Council Model Guidelines for Public Participation), https://www.epa.gov/sites/production/files/2019-09/documents/final_rcra_ppm_updated.pdf.

⁸ Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs, 71 Fed. Reg. 14,207, 14,212 (Mar. 21, 2006).

⁹ Id.

EXHIBIT A

EXHIBIT A

Texas Education Agency 2020-21 School Report Card BANE EL (101907101)

Accountability Rating

Not Rated: Declared State of Disaster

Given the Impact of COVID-19, all districts and schools received a label of Not Rated: Declared State of Disaster.

School Information

District Name: CYPRESS-FAIRBANKS ISD

Campus Type: Elementary

Total Students: 802

Grade Span: PK - 05

For more information about this campus, see https://TXschools.gov

or the Texas Academic Performance Report

at https://rptsvr1.tea.texas.gov/perfreport/tapr/2021/index.html

Distinction Designations

Distinction Designations were not awarded in 2021.

School and Student Information

This section provides demographic information about BANE EL, including attendance rates; enrollment percentages for various student groups; student mobility rates; and class size averages at the campus, district, and state level, where applicable.

	Campus	District	State		Campus	District	State
Attendance Rate (2019-20)	98.3%	98.8%	98.3%	Class Size Average	es by Grade	or Subject	
Enrollment by Race/Ethnicity				Elementary	-		
African American	12.4%	19.3%	12.7%	Kindergarten	15.0	17.4	17.7
Hispanic	80.7%	44.7%	52.9%	Grade 1	13.2	18.8	18.0
White	2.7%	22.7%	26.5%	Grade 2	19.9	19.2	18.0
American Indian	2.4%	0.8%	0.3%	Grade 3	16.0	18.9	18.2
Asian	0.1%	9.5%	4.7%	Grade 4	12.3	19.0	18.3
Pacific Islander	0.1%	0.1%	0.2%	Grade 5	20.5	21.5	19.8
Two or More Races	1.5%	3.0%	2.7%				
Enrollment by Student Group							
Economically Disadvantaged	92.1%	54.9%	60.3%				
Special Education	10.2%	10.0%	11.1%				
Emergent Bilingual/EL	47.4%	14.9%	20.7%				
Mobility Rate (2019-20)	22.9%	10.0%	13.8%				

School Financial Information (2019-20)

Various financial indicators based on actual data from the prior year are reported for the campus, district, and state. For more information, see http://tea.texas.gov/financialstandardreports/.

	Campus	District	State		Campus	District	State_
Instructional Expenditure Ratio	n/a	70.7%	63.8%	Expenditures per Student			
Instructional Staff Percent	n/a	66.4%	64.6%	Total Operating Expenditures	\$8,020	\$9,377	\$10,406
				Instruction	\$6,315	\$6,021	\$5,929
				Instructional Leadership	\$0	\$107	\$173
				School Leadership	\$511	\$436	\$620

Texas Education Agency 2020-21 School Report Card

STAAR Outcomes

This section provides STAAR performance and outcomes. Please note that due to the cancellation of spring 2020 STAAR administration due to the COVID-19 pandemic, 2019 results are shown.

											Two	
											or	
		State	District	Commun	African	Ulanania	Milian	American Indian	Aalaa	Pacific Islander	More Races	Econ Disadv
STAAR Perfo	rmanco				American				Asian	isiander	Races	DISadv
All Subjects	2021	67%	77%	46%	evel of Abo	50%	71%	.eu) 27%			20%	46%
All Subjects	2019	78%	84%	65%	52%	67%	74%	53%	-	_	90%	64%
ELA/Reading	2019	68%	79%	51%	27%	53%	89%	33% *	_	-	3 076	51%
LLVINEauling	2019	75%	82%	64%	54%	65%	71%	33%	-	_	*	64%
Mathematics	2019	66%	74%	43%	11%	48%	44%	3370 *	-	_	*	43%
iviau ierriaucs	2019	82%	86%	43% 70%	56%	72%	79%	50%	-	-		69%
Writing	2019	58%	67%	40%	11%	43%	/970	3U% *	-	-		42%
vinung	2019	68%	74%	49%	29%	50%	60%	*	•	-	*	47%
Science	2019	71%	83%	49%	33%	50% 50%	*	*	_	-	*	47%
Science	2019	81%	90%				83%	*	_	-	*	71%
CTA AD Darfa				72%	64%	72%		•	-	-	-	/ 170
STAAR Perfor	2021	Rates at 1 41%	meets Gra 52%	ide Levei o 16%				9%			100/	16%
All Subjects	2021				2%	18%	29%		-	-	10% 60%	
mt A/D == dim =		50%	58%	27%	20%	28%	28%	6% *	-		*	26%
ELA/Reading	2021	45%	56%	24%	5%	26%	33%		-	-	*	23%
Mada	2019	48%	56%	26%	22%	26%	29%	17% *	-	-	*	25%
Mathematics	2021	37%	46%	13%	0%	14%	33%			-	*	12%
	2019	52%	58%	29%	20%	31%	29% *	0% *	-	-	*	28%
Writing	2021	30%	36%	10%	0%	12%		*	-	-	*	11%
	2019	38%	43%	11%	0%	13%	20%	*	-	-	*	9%
Science	2021	44%	59%	11%	0%	12%		*	-	-	*	9%
	2019	54%	68%	40%	36%	41%	33%	*	-	-	*	38%
STAAR Perfor												
All Subjects	2021	18%	26%	7%	2%	7%	10%	0%	-	-	0%	6%
	2019	24%	31%	11%	8%	12%	10%	0%	-	-	0%	10%
ELA/Reading	2021	18%	25%	11%	5%	12%	11%	*	-	-	*	11%
	2019	21%	26%	11%	7%	11%	14%	0%	-	-	*	10%
Mathematics	2021	18%	23%	5%	0%	5%	11%	*	-	-	*	4%
	2019	26%	32%	13%	7%	14%	14%	0%	-	•	*	12%
Writing	2021	9%	11%	2%	0%	3%	*	*	-	-	*	2%
	2019	14%	17%	1%	0%	2%	0%	*	-	-	*	1%
Science	2021	20%	31%	3%	0%	4%	*	*	-	-	*	2%
	2019	25%	37%	17%	29%	17%	0%	*	-	-	*	16%
STAAR Asses	sment P	articipati										
All Subjects	2021	88%	94%	99%	94%	99%	100%	100%	-	~	100%	99%
	2019	99%	100%	100%	100%	100%	100%	100%	-	-	100%	100%
ELA/Reading	2021	89%	94%	99%	96%	100%	100%	*	-	-	*	99%
	2019	99%	100%	100%	100%	100%	100%	100%	-	-	*	100%
Mathematics	2021	88%	94%	99%	93%	100%	100%	*	-	-	*	99%
	2019	100%	100%	100%	100%	100%	100%	100%	-	-	*	100%

Indicates there are no students in the group.
 Indicates results are masked due to small numbers to protect student confidentiality.
 In/a Indicates data reporting is not applicable for this group.

Texas Education Agency 2020-21 School Report Card KIRK EL (101907134)

Accountability Rating

Not Rated: Declared State of Disaster

Given the Impact of COVID-19, all districts and schools received a label of Not Rated: Declared State of Disaster.

School Information

District Name: CYPRESS-FAIRBANKS ISD

Campus Type: Elementary

Total Students: 809

Grade Span: EE - 05

For more information about this campus, see https://TXschools.gov or the Texas Academic Performance Report

at https://rptsvr1.tea.texas.gov/perfreport/tapr/2021/index.html

Distinction Designations

Distinction Designations were not awarded in 2021.

School and Student Information

This section provides demographic information about KIRK EL, including attendance rates; enrollment percentages for various student groups; student mobility rates; and class size averages at the campus, district, and state level, where applicable.

	Campus	District	State		Campus	District	State
Attendance Rate (2019-20)	99.0%	98.8%	98.3%	Class Size Average	es by Grade	or Subject	
Enrollment by Race/Ethnicity				Elementary			
African American	10.6%	19.3%	12.7%	Kindergarten	20.5	17.4	17.7
Hispanic	64.1%	44.7%	52.9%	Grade 1	19.2	18.8	18.0
White	12.2%	22.7%	26.5%	Grade 2	16.8	19.2	18.0
American Indian	2.7%	0.8%	0.3%	Grade 3	17.5	18.9	18.2
Asian	8.6%	9.5%	4.7%	Grade 4	19.0	19.0	18.3
Pacific Islander	0.1%	0.1%	0.2%	Grade 5	19.3	21.5	19.8
Two or More Races	1.6%	3.0%	2.7%				
Enrollment by Student Group							
Economically Disadvantaged	76.4%	54.9%	60.3%				
Special Education	16.8%	10.0%	11.1%				
Emergent Bilingual/EL	46.0%	14.9%	20.7%				
Mobility Rate (2019-20)	10.6%	10.0%	13.8%				

School Financial Information (2019-20)

Various financial indicators based on actual data from the prior year are reported for the campus, district, and state. For more information, see http://tea.texas.gov/financialstandardreports/.

	Campus	District	State		Campus	District	State
Instructional Expenditure Ratio	n/a	70.7%	63.8%	Expenditures per Student			
Instructional Staff Percent	n/a	66.4%	64.6%	Total Operating Expenditures	\$7,055	\$9,377	\$10,406
				Instruction	\$5,634	\$6,021	\$5,929
				Instructional Leadership	\$0	\$107	\$173
				School Leadership	\$425	\$436	\$620

Texas Education Agency 2020-21 School Report Card

STAAR Outcomes

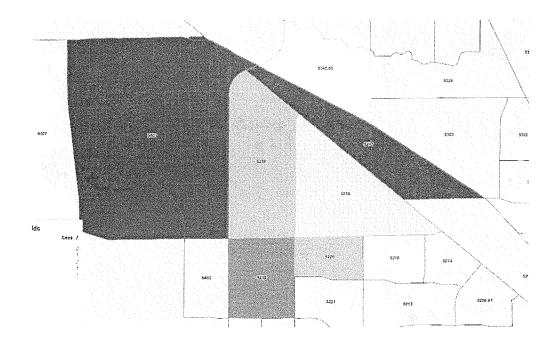
This section provides STAAR performance and outcomes. Please note that due to the cancellation of spring 2020 STAAR administration due to the COVID-19 pandemic, 2019 results are shown.

											Two	
											or	_
		State	District	Comput	African American	Uienanie	\#/bito	American Indian	Asian	Pacific Islander	More Races	Econ Disadv
STAAR Perfo	rmanco								ASIAII	Islanuer	Races	DISAUV
All Subjects	2021	67%	77%	56%	-evel of Abc 40%	51%	78%	41%	88%		*	50%
All Subjects	2019	78%	84%	73%	67%	70%	81%	86%	82%	_	*	70%
ELA/Reading	2013	68%	79%	65%	56%	62%	75%	50%	89%	_	*	61%
ELARCAUITY	2019	75%	82%	73%	68%	70%	80%	100%	83%	-	*	70%
Mathematics	2013	66%	74%	51%	25%	46%	78%	38%	86%	-	*	44%
iviau ici iaucs	2019	82%	86%	77%	64%	75%	90%	100%	87%	_	*	73%
Writing	2019	58%	67%	55%	45%	75% 48%	100%	100%	90%	-	*	48%
vviturig	2019	68%	74%	55% 55%	63%	46% 54%	43%	*	71%	-	_	54%
Calamaa	2019	71%						*	86%			38%
Science	2019		83%	48%	33%	42%	80%	*		-	*	
		81%	90%	80%	82%	78%	87%	•	75%	-	•	78%
STAAR Perfor								470/	E40/		*	240/
All Subjects	2021	41%	52%	28%	20%	24%	42%	12%	51%	-	*	21%
m	2019	50%	58%	43%	34%	37%	63%	50%	70%	-	*	37%
ELA/Reading	2021	45%	56%	34%	28%	31%	45%	25%	54%	•	*	27%
	2019	48%	56%	44%	40%	37%	65%	60%	67%		*	37%
Mathematics	2021	37%	46%	26%	19%	21%	40%	0%	57%		*	18%
	2019	52%	58%	44%	28%	39%	67%	40%	77%	-		38%
Writing	2021	30%	36%	17%	0%	16%	14%	-	30%	-	*	13%
	2019	38%	43%	23%	16%	19%	29%	*	57%	-	-	20%
Science	2021	44%	59%	25%	20%	20%	53%	*	43%	-	-	15%
	2019	54%	68%	59%	64%	52%	70%	*	75%	-	*	57%
STAAR Perfor					•	•						
All Subjects	2021	18%	26%	12%	10%	9%	23%	0%	26%	-	*	7%
	2019	24%	31%	22%	15%	16%	45%	14%	44%	-	*	16%
ELA/Reading	2021	18%	25%	18%	13%	15%	30%	0%	29%		*	11%
	2019	21%	26%	21%	23%	14%	49%	0%	33%	-	*	14%
Mathematics	2021	18%	23%	10%	9%	7%	13%	0%	32%	-	*	5%
	2019	26%	32%	27%	11%	21%	53%	20%	57%	-	*	20%
Writing	2021	9%	11%	3%	0%	3%	0%	-	10%	-	*	1%
	2019	14%	17%	5%	5%	2%	14%	*	21%	_	-	2%
Science	2021	20%	31%	11%	13%	5%	40%	*	14%	-	-	4%
	2019	25%	37%	31%	18%	26%	35%	*	75%	-	*	27%
STAAR Asses	sment P	articipation	on (All Gr	ades Teste	d)							
All Subjects	2021	88%	94%	97%	91%	99%	93%	95%	100%	-	*	97%
•	2019	99%	100%	100%	100%	100%	100%	100%	100%	-	*	100%
ELA/Reading	2021	89%	94%	97%	91%	99%	93%	100%	100%	-	*	98%
3	2019	99%	100%	100%	100%	100%	100%	100%	100%		*	100%
Mathematics	2021	88%	94%	97%	91%	99%	93%	89%	100%	-	*	97%
	2019	100%	100%	100%	100%	100%	100%	100%	100%	-	*	100%
	2019	100%	100%	100%	100%	100%	100%	100%	100%	-		10078

Indicates there are no students in the group.
 Indicates results are masked due to small numbers to protect student confidentiality.
 Indicates data reporting is not applicable for this group.

EXHIBIT B

EXHIBIT B



	Cerseus Tract 5216, Harris County, Te			
	Total	Percen		
Label 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	Estimate	Margin of Error	Estimate	Margin of Erro
▼ Total Fourseholds	376	±74	(%)	э
▼ TYPES OF COMPLITER				
✓ Has one or more types of computing devices	908	±63	P1 5%	±\$:
→ Electrica or tagrica	675	#175	67.8%	£15.1
Desktop or laptop with no other type of computing device	85 .	a58	ē.9%	=5.0
✓ Smartphone	\$0\$	£98	\$1.1%	±7.5
Smertphone with ealother type of computing device	145	£78	14,6%	≘7.5
▼ Tablet or other portable Wireless computer:	531	±25	50.3%	±9.5
Tables or other pionable wireless computer within ordher type of computing derive	*	± 11	0.6%	=1
◆ Other particular Other	6	#14	0.0%	54 2
Other computer with no other type of computing device	ē	£14	€ 64	±4.5
No competer	**	250	9.0%	at i
▼ TYPE OF INTERNET SUBSCRIPTIONS				
➤ Map an internet ampacription:	717	±95	72.6%	sé 7
Dialisip with no other type of internet subscription		#14	0.0%	±4.7
→ Eroadband of any type	77	±95	72.0%	±3.7
Cellular data plan	58€	=109	59 0%	±:0:
Callular data plan with no other type of Internet authorization	166	26€	16.7%	±€.0
Broadtund such as cable, fiber optic or tiSt.	515	±17\$	51.5%	£91.5
Sateline interned service	82	±52	£ 2%	±5.8
Without an Internet subscription	279	191	26.5%	±2.7

	Sensus Tract 5217, Harris County,			
	Total		Percent	
bel	Estimate	Margin of Error	Estimate	Margin of Error
Total households	2,997	±197	(*)	
➤ TYPES OF COMPUTER				
➤ Has one or more types of computing devices.	2417	±278	823%	eñ.a
✓ Decktop präsptog	1679	±274	56.2%	±8.7
Elegator or aptopiss to no otheray be of compating device.	54	424	194	£2.5
✓ Smartphotoe	2314		77.1N	±7 t
Smartpingne with no other tipe of demosting device	375	#154	1124	.5.
➤ Tablet chooker portable wireless computer	1.491	e2:3	497%	±\$:
Tabletion other contable ture essioomputer withing other type of computing device		=19	2.2%	: :
✓ Ctriar compliner	120	±122	40%	440
Other compliner x, thing attenty be of compliting device.	0	±13	7.0%	a) -
No contacter	590	±207	17.7%	70.5
✓ TYPE OF INTERNET SUBSCRIPTIONS				
✓ Wito ar interest autocription	2.191	±292	73.2%	±6:3
Diskus with no other type of internet supscription	\$	±1;	:04	±1,
→ Brosdcand of enytyce	2.143	:270	78.2%	±6:
✓ Celluar data gian	1.811	±311		±9.
Ceristandate plan with no other type of internet audeoription	521	±192	17.4%	=6 i
Broadcand abon sa cable feer optic or DGL	1 570	±260	52.4%	28
Satelitie Americas service	215	±174	724	5A.
Without an internet subscription	ec.#	±24%	25.61,	±63

	Census Tract 5218, Harris County,	Texas		
	Total		Percent	September (market) and the september (market) an
Label Control	Estimate	Margin of Error	Estimate	Margin of Error
✓ Tau hausmaics	1852	=34	Ď.	(%)
➤ TYPES OF CONFLITER				
➤ mass one of more types of demographing bendess:	164)	1112	11.63	±5.1
➤ Pasktop or teptop	1,327	#131	9224	20.2
Deaktop or restop knot no other type of gontputing bekilde	11	±43	173	:2.7
→ Omeraphone	1,317	1132	\$1.6°	
Sinsarophoine with no other spae of computing device	37	±23	195	:2.4
➤ Tablet on programme of meass on impliner	1,020	±124	55.4%	20 3
Tablet or street partable with assignmental with no attentions of computing device	ŧ	±1\$	40%	:23
✓ Stok to tighter	130	£72	7.5%	±9.7
Other computer with no other type of computing device	;	=17	495	+2.9
Nacompoter	204	±97	11.25	±3.0
➤ TYPE OF INTERNET BURSCRIFTIONS				
➤ Vity an intercet synantipogn.	1,571	±122	74.5%	e3 ?
Diekus with his other type of Interhet subscript on	a	±13	4.4%	±0.7
➤ Broadband of any type	1,513	2124	743N	=3.5
✓ Ceitu ar data pitan	1.295	2177	59.2%	±6.7
Selfular date plan in thing other type of internet suborription	126	£75	5.24	s 4 1
Broadband such as cable fibar notic or RSS.	1,549	=129	72.6%	₹6.4
GareRite (internet service	14(±55	754	2 5.4
Wichout an internet subscription	297	. #162	(5.4%	±5.2

	Census Tract 5219, Harris County,	Texas (1) (1) (1) (1) (1)		
	Total		Percent	
Label	Estimate	Margin of Error	Estimate	Margin of Error
✓ Total households	2,325	¥167	· *.	5%1
▼ TYPES OF COMPUTER				
→ Has one or more types of computing devices.	2,192	±278	\$3.0%	e6.2
✓ Desirtop cirilaptog	1952	£205	£2.64	±7.4
Desktop or leptop with no other type of computing device	155	2713	5.5%	±4.8
✓ Smertphone	1,975	£225	23.7%	#7.1
Smartphone with no other type of computing device	397	£107	7.5%	±4.5
▼ Tablet or other portable wireless computer.	1,353	±201	\$7.3%	≑ 7.4
Tablet or other ponable wire eas compuler with no other type of computing device	18	:25	16%	±5.7
✓ Constitution of the Confession of the Conf	-24	z45	1.5%	±11
Ether computer with no other type of computing device	\$	#15	2.7%	e%.\$
Na computer	165	: : 514f	5.0%	±62
✓ TSPE OF INTERNET SUBSCRIPTIONS				
✓ Wind an internet audistrighton	1,825	F525	200%	±9.5
Diskup wan no other type of internat subscription	1.4	±23	≎.£³ .	410
✓ Stoadband of any type	1,871	±25 0	74.4%	ಕೌ.ಪ
✓ Ge#uran data plam	1512	255	\$4.5%	±9.5
Caliblar data biah ಎನ್ನೂ ಗರ other type of internet subscription	125	£102	5.7%	±23
Etcapband sustrias cable fiber opino or PSE.	1,619	#77	71.5%	4.0.4
Satewine littlemen service	70	551	3.6%	=2.2
Without en Internet aubscription	470	±229	20.0%	±9.5

	Census Tract 5220, Harris County, To			
	Total	Pers		
	Estimate	Margin of Error	Estimete	Marçin of Error
✓ Fota Pouseholos	1846	±124	;×;	
▼ TYPES GF COMPUTER : *				
➤ Has one or more types of comparing depices.	1,731	£180	93,7%	±2.\$
➤ Desktop or leptap	1,304	:144	70.6%	e7 \$
Desirop or lestop with no other type of computing device	215	±97	11.65	£5.2
➤ Smartphone	1,428	±149	27.75	±5.2
Smartphone with no other type of computing revice	223	±12¢	15.5%	±6.2
✓ Tablet or other portable wireless computer	\$25	:124	53 6%	±7.5
Tablet prior ter portable wire assigningular with no other type of computing device	17	#IĒ	्रप	:10
✓ Strie complaie	£	±13	2.5%	±1.5
Other computer with no other type of computing device	\$	±14	5.6%	#23
No computer	157	±\$4	6.14	±2.7
▼ TYPE OF INTERNET SUBSCRIPTIONS				
✓ With an internet subscription.	1,515	c154	62.0N	20.5
Diskup wan no other type of internet subscription	25	±25	113	¢î i
✓ Broadband of any type	1,495	#1 5¢	80.6%	z6. ⁻⁷
✓ Cellusingets clan	1174	2:68	£3,5%	±7.9
Cellular date plan with no other type of internet subscription	324	#122	17,5%	204
Proecurent such as oable fiber optic or SCL	1071	±123	\$7.9%	±7.\$
SateWas internatisery ce	152	±7 5	8.25	#4 S
Without an internet aubscription	322	±123	19.0%	±6.5

	Total .		Percent	
	Estimat	Mægin of Error	Estimate	Margin of Error
* Total neusannins	7.6		(4)	3.1
✓ TYPES OF COMPUTER				
→ has one or more types of computing periods.	31.	±55	E7.5%	±6.4
➤ Desitop or leptop	\$1.	207	52.6%	±10.4
Desktop of leatop withing after type of computing device	1	255	27%	<u>.0.5</u>
✓ Smartphone	49	•**	32.7%	±7.3
Smartamane with no other type of computing device	1 ⁻²	±57	29.9%	±9.₹
✓ Tablet or other portable wileless compute:	22	:H	37.4%	±9.2
Tables of other correctle wireless computerly third other type of computing device		#14	00%	57 0
✓ Other combiner		±#	7.8.7	±),4
Figher portripuler is an nie optres type of pomputing device		#14	00%	\$7.2
ho computer	7	:38	12.2%	±6.4
▼ TYPE OF INTERNET SUSSCEIPT ONS				
V 19 13 år frisernet subscribator 1	45	125	77.4%	± 0.7
Dielius with no other type of internet substriction		#14	00%	272
✓ Broadband of any type	45		77.45	=10.7
✓ Callular data plati	400			#11.3
Califier data plan with no owner type of internet supercription	14	±72	11.65	+ 11.₹
Broadband such as dadte, fiber optic or SQL	24	255	21 \$1 ₁	±11.4
Saterote internet service	4	:45	10.5%	±7.₹
Wighout en internet aubach progra	1?	±14	22.6%	±10 ±

	Census Fract S401, Harris County, Texas								
	Total		Peccent						
454 113. 114. 115. 1	Extimate	Macgan of Error	Estirnate	Margin of Erro					
Y Tota robeatolise	3825	:224	(A):						
✓ TYPES OF COMPUTER									
➤ that one or more types of complying devices:	2882	±210	49.6%	zi.					
✓ Caskrop or laptog	3,672	±123	34.5%	2 9.					
Desktop or leaton with no other type of compating device	136	±1¢	3.5%	±2.					
✓ Smartphane	3,640	2112	23 54,	±2.					
Smartphone with no other type of or inputing device	112	±165	2.8%	ŧί.					
➤ Tablet of other portable (skeless computer	2592	=173	t# 9%	2 7.					
Tablet driotter portable wireless computer within plateer type of computing device	9	±21	0.62	en.					
✓ Crine: computer	176	£173	50%	e3.					
Other computer with no other type of computing device	;	227	2.7%	eñ.					
Pro computer	*	±50	145	±i,					
➤ TYPE OF INTERNET SUBSCRIPTIONS	1								
✓ With an internet subscriptor	2.595	±2.4.4	\$2.5%	23.					
Digity profit no other type of Internet apparaisation	:	:2:	01%	=1.					
→ Broadband of any type	3,575	:244	92.5%	±2					
✓ Cedular para plan	1,175	:214	21.7%	\$A.					
Caritian distance and your no operitype of internet subathiption	175	±73	45%	<u> 2</u> 2.					
Encycloand such as cable floar option of DEL	1.366	£28°	\$6.5%	24.					
Satellite Internet service	252	±34	52%	=2.					
Without an internat subscription	292	: £131	7.94	z9.					

EXHIBIT C

EXHIBIT C



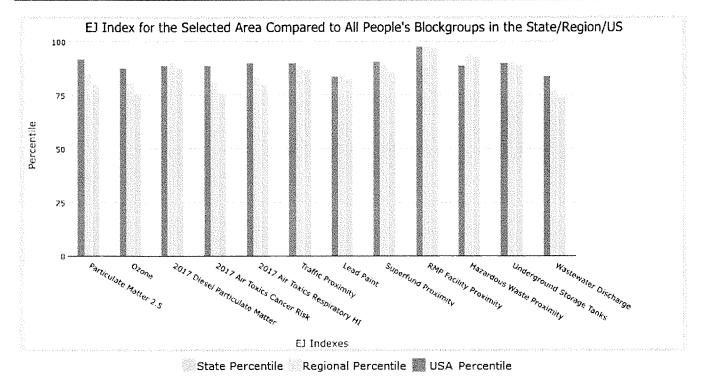
EJScreen Report (Version 2.0)



1 mile Ring Centered at 29.854491,-95.549212, TEXAS, EPA Region 6

Approximate Population: 3,437 Input Area (sq. miles): 3.14 Hawthorn Landfill

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile	
Environmental Justice Indexes	· ·			
EJ Index for Particulate Matter 2.5	80	85	92	
EJ Index for Ozone	76	81	88	
EJ Index for 2017 Diesel Particulate Matter*	88	90	89	
EJ Index for 2017 Air Toxics Cancer Risk*	76	81	89	
EJ Index for 2017 Air Toxics Respiratory HI*	80	84	90	
EJ Index for Traffic Proximity	87	89	90	
EJ Index for Lead Paint	83	85	84	
EJ Index for Superfund Proximity	86	89	91	
EJ Index for RMP Facility Proximity	97	98	98	
EJ Index for Hazardous Waste Proximity	93	94	89	
EJ Index for Underground Storage Tanks	89	91	90	
EJ Index for Wastewater Discharge	74	77	84	



This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

March 22, 2022

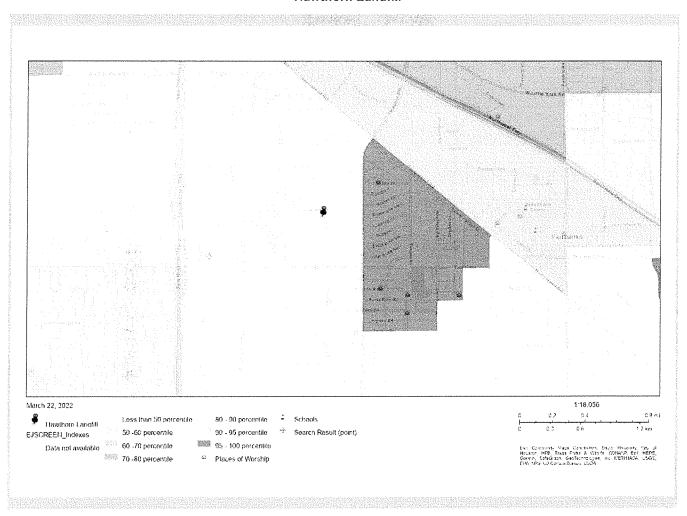


EJScreen Report (Version 2.0)



1 mile Ring Centered at 29.854491,-95.549212, TEXAS, EPA Region 6

Approximate Population: 3,437 Input Area (sq. miles): 3.14 Hawthorn Landfill



Sites reporting to EPA			
Superfund NPL		A.A.A. A.A.A.O	* 1 4 4
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)		1	



EJScreen Report (Version 2.0)



1 mile Ring Centered at 29.854491,-95.549212, TEXAS, EPA Region 6

Approximate Population: 3,437 Input Area (sq. miles): 3.14 Hawthorn Landfill

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA	
Pollution and Sources								
Particulate Matter 2.5 (µg/m³)	10.5	9.57	92	9.32	93	8.74	89	
Ozone (ppb)	37	40	29	41.1	24	42.6	17	
2017 Diesel Particulate Matter* (µg/m³)	0.346	0.214	91	0.219	80-90th	0.295	70-80th	
2017 Air Toxics Cancer Risk* (lifetime risk per million)	30	31	83	32	70-80th	29	80-90th	
2017 Air Toxics Respiratory HI*	0.4	0.36	95	0.37	80-90th	0.36	80-90th	
Traffic Proximity (daily traffic count/distance to road)	840	510	85	470	86	710	79	
Lead Paint (% Pre-1960 Housing)	0.18	0.15	73	0.16	70	0.28	50	
Superfund Proximity (site count/km distance)	0.14	0.084	84	0.08	85	0.13	76	
RMP Facility Proximity (facility count/km distance)	5	0.92	98	0.83	98	0.75	98	
Hazardous Waste Proximity (facility count/km distance)	2.4	0.72	93	0.8	91	2.2	74	
Underground Storage Tanks (count/km²)	5.8	2.2	91	2	91	3.9	81	
Wastewater Discharge (toxicity-weighted concentration/m distance)	0.0025	0.33	58	0.5	58	12	57	
Socioeconomic Indicators	Socioeconomic Indicators							
Demographic Index	67%	46%	77	44%	80	36%	87	
People of Color	90%	58%	80	52%	84	40%	89	
Low Income	44%	34%	67	36%	65	31%	73	
Unemployment Rate	7%	5%	71	5%	69	5%	69	
Linguistically Isolated	10%	8%	71	6%	78	5%	83	
Less Than High School Education	25%	16%	74	15%	78	12%	86	
Under Age 5	3%	7%	14	7%	15	6%	20	
Over Age 64	7%	12%	25	13%	20	16%	13	

^{*}Diesel particular matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's 2017 Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: https://www.epa.gov/haps/air-toxics-data-update.

For additional information, see: www.epa.gov/environmentaljustice

EJScreen is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJScreen documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJScreen outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

March 22, 2022 3/3

Melissa Schmidt

From:

PUBCOMMENT-OCC

Sent:

Thursday, July 22, 2021 8:58 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Н

From: lwhiteing@comcast.net <lwhiteing@comcast.net>

Sent: Wednesday, July 21, 2021 10:57 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK LANDFILL

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: MR Lester Whiteing, JR

E-MAIL: lwhiteing@comcast.net

COMPANY:

ADDRESS: 21506 HAWKSPUR RIDGE ST

RICHMOND TX 77406-5259

PHONE: 7132496489

FAX:

COMMENTS: Wednesday, July 21, 2021 ATTENTION: STOP THE DUMP To Whom it may concern: I do not support Hawthorn Type IV Landfill expansion project presented by Waste Management. The project raises many concerns: major health issues and traffic problems. Carverdale Community is the closes neighborhood to this project. This close-knit community is rich with history and tradition. Over 700 plus properties will be affected by the proposed expansion landfill including over 100,000 residents in Northwest Houston. There are over fifteen (15) churches in this community. One of

the closes churches is Greater Macedonia Baptist Church (400 Members). It is my understanding all churches are against this project. Kirk Elementary School (Cypress Fair ISD) currently enrolls over 1,500 students. The school is located less than 3 miles from this project at 12421 Tanner Road. I am requesting consideration to close-down this landfill and any other landfills in the area. We would request for the state to produce several environment studies and present them in a formal Public Hearing. Thank you in advance for addressing this concern. Sincerely, Lester Whiteing Jr. Proud Product of the Carverdale Community "STOP THE DUMP"

Ellie Guerra

From:

PUBCOMMENT-OCC

Sent:

Monday, February 27, 2023 11:11 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

23-022323 Westwinds Request for CCH and Request for Reconsideration.pdf

Н

RFR

From: mwoodward@hslawmail.com < mwoodward@hslawmail.com >

Sent: Thursday, February 23, 2023 1:56 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER: 2023-0265-MSW

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Michael L Woodward

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COMMENTS: Request for Contested Case Hearing is attached as a PDF file.



Michael L. Woodward Founding Partner mwoodward@hslawmail.com

February 23, 2023

Transmitted electronically via TCEQ website

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

Re: TCEQ DOCKET NO. 2023-0265-MSW

Request for Contested Case Hearing of Westwind Industries LP Request for Reconsideration of Executive Director's Decision USA Waste of Texas Landfill, Inc., CN60256090 ("Applicant") Municipal Solid Waste Major Permit Amendment Application Hawthorn Park Recycling and Disposal Facility 10550 Tanner Road Houston, Harris County, Texas TCEQ Permit MSW-2185A

Dear Ms. Gharis:

Our firm, along with VBPena Law, PLLC and McGuffey Law, PLLC, represent, Westwind Industries LP, 10423 W. Gulf Bank Rd., Houston, Texas 77040 ("Westwind"). Westwind may be contacted through our office. Westwind timely files this Request for Contested Case Hearing for the referenced application, and furthermore timely files this Request for Reconsideration of the Executive Director's Decision.

I. Summary.

As discussed in Section II of this document, Westwind requests a contested case hearing regarding the referenced Application by USA Waste of Texas Landfill, Inc. ("Applicant") for a Municipal Solid Waste (MSW) Major Permit Amendment, Proposed Permit MSW-2185A. Westwind requests a contested case hearing on all issues raised in its written comments, prior

hearing request, and oral comments at public meetings. The Executive Director's Response to Public Comments ("RTC") does not resolve the issues previously raised by Westwind.

In addition, as discussed in Section III of this document, Westwind respectfully requests that the Commission Reconsider the Executive Director's Decision dated January 24, 2023, due to (1) repeated omissions and false submissions to TCEQ regarding the nature of the existing liners, and (2) Applicant's failure to provide required stability analysis for its overliner system proposed to be on top of closed and near-capacity landfills.

II. Westwind's Request for Contested Case Hearing.

Westwind hereby requests a contested case hearing regarding the referenced Application by USA Waste of Texas Landfill, Inc. ("Applicant") for a Municipal Solid Waste (MSW) Major Permit Amendment, Proposed Permit MSW-2185A. Westwind previously raised issues related to this application in the following filings: (1) in Westwind's comments, request for public meeting, and request for contested case hearing dated August 30, 2021; (2) in Westwind's more extensive public comments dated June 28, 2022; and (3) in oral comments at TCEQ public meetings held on January 18, 2022 and June 28, 2022. The Executive Director's Response to Public Comments ("RTC") does not resolve the issues previously raised by Westwind.

A. Westwind is an "affected person."

TCEQ rules govern the determination affected person status for purposes of a contested case hearing. "For any application, 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

¹ Westwind previously requested a contested case hearing in comments submitted on August 30, 2021, and this is a supplement to that hearing request.

interest common to members of the general public does not qualify as a personal justiciable interest."² TCEQ rules provide an extensive list of factors to be considered, but notably, the rules also mandate that "[i]n determining whether a person is an affected person, all factors shall be considered, including, but not limited to [the list provided by rule]."³ Thus, TCEQ is bound to consider all information provided that relates to a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application.

Undoubtedly, Westwind qualifies for affected person status in this matter. First, Westwind is an adjacent property owner that will be adversely affected by the nuisance conditions, soil contamination, and water contamination issues that accompany this proposed landfill expansion. Westwind owns approximately 23 acres of land adjacent to the landfill facility—18 acres across Tanner Road, and 5 acres across Crawford Road. This fact alone is sufficient to secure Westwind's affected person status.

The proposed landfill expansion directly across Tanner Road will transform the subject landfill from a barely-active, appointment-only, virtually-closed, and nearing capacity legacy landfill site into a 10-12 story high nuisance to the eyes, ears, nose, and throat of Westwind and its new residents and business tenants. If approved, the landfill expansion will present a myriad of adverse consequences—it will be visually unappealing, will generate noise and traffic from large trucks, will release foul odors, and worst of all, will contaminate and damage the soil and shallow groundwater of Westwind, Westwind's residents and business tenants, and the other nearby property owners.

² 30 Tex. Admin. Code § 55.203(a).

³ 30 Tex. Admin. Code § 55.203(c) (emphasis added).

Second, Westwind will face considerable economic injury resulting from the identified impacts on the use and enjoyment of their property if this landfill expansion is approved. Westwind is expending considerable money and effort to develop its acreage into a mixed residential and commercial development. Development of the Westwind property is not speculative in nature—it is already occurring. There is currently construction on Westwind's property for Westover Apartments, a development of 324 residential apartment units, that anticipates leasing will begin April 1, 2023. Additionally, a new 7/11 convenience store and gas station is located on Westwind's property at the corner of Tanner Road and Beltway 8. This 7/11 was recently constructed to serve the new area residents and businesses and is set to open March 7, 2023.

Area landowners, including Westwind, have reasonably expected imminent closure of this landfill facility for many years. This landfill has been near-capacity and virtually closed for approximately 6 years, and this site has a sordid 50-year history of sand and soil mining operations followed by unpermitted and permitted disposal operations predating the year 1977. However, the Applicant now proposes to add more than 46 more years to this landfill's life through an ill-advised vertical expansion upon a poorly characterized and questionable foundation with shallow groundwater at less than 10 feet below ground surface. Though Westwind's residential and commercial tenants may be able to relocate and/or avoid the area entirely, Westwind will be faced with the corresponding economic losses caused by an irresponsible and unjustified expansion of this legacy landfill site.

Accordingly, Westwind squarely qualifies for designation as an affected person under applicable TCEQ rules. As an adjacent landowner and residential and commercial property developer, Westwind is dramatically and adversely affected by the subject application.

В. Westwind requests a contested case hearing.

The Executive Director's Response to Public Comments ("RTC") does not resolve the issues previously raised by Westwind. Westwind requests a contested case hearing on all issues raised in its written comments, prior hearing request, and oral comments at public meetings, including, without limitation:

- A) Whether the Applicant mailed notice and provided information regarding adjacent and potentially affected landowners in accordance with TCEQ statutes and rules;4
- B) Whether the proposed facility expansion is a compatible land use;⁵
- C) Whether the proposed facility expansion would impose disproportionately high and adverse human health or environmental effects on minority and low-income populations;⁶
- D) Whether the Applicant has demonstrated that the proposed landfill would be adequately protective of groundwater;⁷
- E) Whether the Applicant's current drainage configuration and proposed surface water drainage design, respectively, satisfy existing permit requirements and satisfy applicable requirements of TCEO rules;⁸
- F) Whether the facility operations will contaminate the soil and whether the information provided in the application regarding measures to prevent soil contamination will be effective;9

⁴ RTC Comment 66; Westwind's Comments dated August 30, 2021 at 1.

⁵ RTC Comment 40; Westwind's Comments dated August 30, 2021 at 2–3.

⁶ RTC Comment 57; Westwind's Comments dated August 30, 2021 at 3.

⁷ RTC Comment 28; RTC Comment 31; RTC Comment 33; Westwind's Comments dated August 30, 2021 at 4–5,

⁸ RTC Comment 9; RTC Comment 29; Westwind's Comments dated August 30, 2021 at 9.

⁹ RTC Comment 3.

- G) Whether dust from the proposed facility and other access roads will become a nuisance to surrounding areas;¹⁰
- H) Whether the application includes a landfill gas management plan, gas monitoring system, and passive gas venting that meets all applicable TCEQ rules and is sufficient to protect human health and the environment;¹¹
- I) Whether the application includes proposed liner and overliner designs that comply with TCEQ rules and will be protective of human health and the environment;¹²
- J) Whether the proposed overliner system will provide sufficient protection against landfill gas migration, leachate spills, and protect groundwater quality, and will be protective of human health and the environment;¹³
- K) Whether the Applicant demonstrated that all existing subsurface liners meet or exceed TCEQ rules and will be protective of human health and the environment;¹⁴
- L) Whether the facility design and operation will satisfy all applicable TCEQ rule requirements regarding flood plain siting and flooding;¹⁵
- M) Whether the Applicant has adequately addressed the control of vectors at the proposed facility in accordance with applicable TCEQ rules;¹⁶
- N) Whether the application adequately demonstrates that land subsidence and/or settlement will not occur as a result of the proposed landfill expansion above existing landfills:¹⁷
- O) Whether the Applicant has performed an adequate subsurface investigation or characterization;¹⁸
- P) Whether the cross sections contained in the application accurately depict or describe the subsurface;¹⁹

¹¹ RTC Comment 8; RTC Comment 6.

¹⁰ RTC Comment 7.

¹² RTC Comment 10; RTC Comment 28; RTC Comment 31.

¹³ RTC Comment 47.

¹⁴ RTC Comment 27; RTC Comment 28; RTC Comment 31; Westwind's Comments dated August 30, 2021 at 4-5.

¹⁵ RTC Comment 12.

¹⁶ RTC Comment 18.

¹⁷ RTC Comment 28.

¹⁸ RTC Comment 33.

¹⁹ RTC Comment 34.

- Q) Whether the hydrogeologic properties in the application, and information related to the extent of the lower confining unit and conclusions related to the strata defined as Layers I through III are accurate and satisfy applicable TCEQ rules;²⁰
- R) Whether the proposed groundwater monitoring system is in compliance with applicable TCEQ rules, and is adequate to detect any contamination from the facility prior to migration off site;²¹
- S) Whether the application adequately delineates and addresses rights-of-way and whether the Applicant has demonstrated sufficient property interest as required by TCEQ rules;²²
- T) Whether the Applicant is prohibited from accepting waste other than Type IV waste as defined by 30 TAC §330.42(4) (as it existed in 1992) by recorded agreement declaring restrictions on Applicant's property;²³
- U) Whether the proposed application, design, and operation adequately addresses all known past uses of the site, such as unpermitted waste disposal and commercial sand and soil mining operations;²⁴
- V) Whether proceeding with the proposed expansion over largely inactive and alreadyclosed landfill facilities is in compliance with permit requirements, TCEQ rules, and protective of human health and the environment, as opposed to proceeding to final closure;²⁵
- W) Whether the proposed expansion will improperly authorize injury to persons or property, invasion of other property rights, or infringement of state or local law or regulation;²⁶
- X) Whether the application adequately meets the applicable requirements for addressing visual impacts;²⁷
- Y) Whether the Applicant has adequately addressed traffic impacts and traffic safety in accordance with applicable TCEQ rules;²⁸

²⁰ RTC Comment 35; Westwind's Comments dated August 30, 2021 at 7.

²¹ RTC Comment 36; Westwind's Comments dated August 30, 2021 at 8.

²² RTC Comment 45.

²³ RTC Comment 46.

²⁴ RTC Comment 47; RTC Comment 71.

²⁵ RTC Comment 50.

²⁶ RTC Comment 52.

²⁷ RTC Comment 53.

²⁸ RTC Comment 54.

- Z) Whether the Applicant has adequately addressed the control of windblown waste and debris;²⁹
- AA) Whether the application includes a sufficient odor management plan.³⁰

C. Conclusion of Request for Contested Case Hearing.

As demonstrated above, Westwind is dramatically and adversely affected by this application. Westwind has timely commented, attended public meetings, and exercised its rights of public participation at every available opportunity. Westwind respectfully request that it be found to be an affected person, and that the issues above be referred to a contested case hearing for the referenced application.

III. Westwind's Request for Reconsideration

Westwind respectfully requests that the Commissioners reconsider and reverse the Executive Director's Decision ("ED's Decision") dated January 24, 2023 that the referenced permit application meets the requirements of applicable law. The ED's Decision should be overturned for two reasons.³¹ First, pursuant to 30 Texas Administrative Code § 330.57(d), the subject application should be denied because the Applicant repeatedly provided significant false information to TCEQ. Second, the ED's Decision should be overturned because the proposed overliners in the application fails to meet TCEQ rules requiring an underlying formation of sufficient strength to ensure stability and long-term viability of the proposed overliners.³²

²⁹ RTC Comment 55.

³⁰ RTC Comment 56.

³¹ There are a number of additional ways the application fails to meet applicable requirements, however; in the interest of efficiency this Request for Reconsideration will focus only on these two egregious and apparent defects.

³² 30 TAC §330.339(a).

A. The application should be denied because Applicant repeatedly provided false information about existing liners, resulting in an inadequate design.

Because the Applicant misrepresented existing liner information, the subject application should be denied. Applicant repeatedly failed to disclose the existence of slurry trench cutoff walls (or "slurry walls") in its descriptions of the existing liners, misrepresenting the makeup of the existing liner system. This precluded development of an informed and adequate landfill expansion design and prevented any discussion by TCEQ staff about the continuing impacts of the slurry walls on groundwater resources.

1. Submission of false information is grounds for application denial.

Applicable TCEQ rules require all applicants to provide sufficiently <u>complete</u>, <u>accurate</u>, and clear data to assure that operation of the site will pose no reasonable probability of adverse effects on the health, welfare, environment, or physical property of nearby residents or property owners. <u>Submission of false information shall constitute grounds for denial of the permit application.³³ The rule in full states:</u>

(d) Required information. The information required by this subchapter defines the basic elements for an application. All aspects of the application and design requirements must be addressed by the owner or operator, even if only to show why they are not applicable for that particular site. It is the responsibility of the applicant to provide the executive director data of sufficient completeness, accuracy, and clarity to provide assurance that operation of the site will pose no reasonable probability of adverse effects on the health, welfare, environment, or physical property of nearby residents or property owners. Failure of the owner or operator to provide complete information as required by this chapter may be cause for the executive director to return the application without further action in accordance with §281.18 and §281.19 of this title (relating to Applications Returned and Technical Review). Submission of false information shall constitute grounds for denial of the permit application.³⁴

³³ See 30 Tex. Admin. Code § 330.57(d).

³⁴ 30 Tex. Admin. Code § 330.57(d).

2. Applicant repeatedly submitted false information.

In Applicant's first submittal of Major Permit Amendment Application for MSW-2185A, misrepresentations of the existing liners were made in Table III-3D-1 in Part III, Appendix III-3D, shown in Figure 1 below.

TABLE III-3D-1: Existing Liner Systems

Permit No.	Liner System
MSW-1135	In-situ clay bottom liner, or; Constructed 3-ft (min.) clay sidewall liner extended 2-ft into clay strata
MSW-1148 and MSW1148A	3-ft (min.) in-situ clay bottom liner, or; In-situ clay, clay fill for total 3-ft (min.) bottom liner
MSW-1643	3-ft (min.) in-situ clay bottom liner, or; 3-ft (min.) in-situ liner; 3-ft (min) constructed and/or in-situ sidewall liner, 1-ft protective cover
MSW-2185	3-ft compacted clay liner, 1-ft protective cover

Figure 1. Original Table III-3D-1.

Below this table, Applicant further misrepresented that "[a]ll the waste areas developed to date have sidewall liners composed of minimum 3 foot thick clay liner that is in-situ, constructed, or a combination of both." Applicant completely failed to disclose that existing slurry trench cutoff walls (or "slurry walls") were used as primary liners in MSW 1448A (the east block) and MSW 1643 (the west block). Not only did the Applicant omit the presence of these slurry walls within the existing liner systems, but it further misrepresented that the existing liner systems for all waste areas have in-situ or constructed clay liners. This is a material omission and misrepresentation because Applicant sought continued and expanded utilization of the existing liners for which it provided incomplete and inaccurate information in violation of 30 TAC §330.57(d).

Following Applicant's initial false information submittal, TCEQ questioned the Applicant about the liners, requesting that Applicant "[p]rovide the liner design detail of [the] closed landfills[.]" Applicant responded by conferring with TCEQ permitting staff and revising its application to include an overliner system on top of the old landfills that were constructed prior to 1985.³⁵ (The proposed overliner system proposal is defective, as discussed later.)

Alarmingly, the proposed overliner system did not include areas above MSW-1643—one of the old landfills with slurry trenches in the liner system that were not disclosed by the Applicant. Notably, in the Applicant's own words, "TCEQ expressed concern about the lining system design used in MSW-1643 and whether the regulations at the time the unit was permitted required a liner system that meets the current requirements in 30 TAC §330.331(d), and, consequently, whether such a liner system was constructed." Following is the Applicant's false and misleading response to TCEQ's concern:

"A review of the Soils and Liner Evaluation Reports (SLER) for the constructed liner systems in MSW-1643 revealed that all the disposal areas were in fact constructed with either a 4-foot in situ liner, a 3-foot in situ liner with a 1-foot protective cover, or a constructed 3-foot recompacted liner with a 1-foot protective cover." 37

Again, the Applicant submitted false information omitting the non-compliant slurry wall liners. Furthermore, although Applicant referenced its review of the SLER's for MSW-1643, actual review of the SLER's for the constructed liner systems in MSW-1643 reveals voluminous and detailed construction information concerning the slurry walls, the difficulties encountered in

³⁵ Applicant's Response to NOD 3 dated August 17, 2021, Response to NOD ID T4 ("...based on discussions with TCEQ staff, the [...] Liner Quality Control Plan was revised to address placement of waste over existing landfills developed before 1985").

³⁶ Applicant's Response to NOD 3 dated August 17, 2021, Response to NOD ID T4.

³⁷ Applicant's Response to NOD 3 dated August 17, 2021, Response to NOD ID T4.

constructing them with consistency and confidence, numerous equipment breakdowns, equipment being stuck, and weather-related problems. Applicant further failed to disclose the slurry walls in its revised Table III-3D-1:

TABLE III-3D-1: Existing Liner Systems

Permit No.	Liner System
MSW-1135	In-situ clay bottom liner, or; Constructed 3-ft (min.) clay sidewall liner extended 2-ft into clay strata
MSW-1448- <u>1448</u> and MSW4448A <u>MSW-</u> <u>1448A</u>	3-ft (min.) in-situ clay bottom liner, or. In-situ clay, clay fill for total 3-ft (min.) bottom liner
MSW-1643	34-ft (min.) in-situ clay bottom liner, or; 3-ft (min.) in-situ liner, 1-ft protective cover; 3-ft (min) constructed and/or in-situ sidewall liner, 1-ft protective cover
MSW-2185	3-ft compacted clay liner, 1-ft protective cover

Figure 2 - NOD3 Revised Table III-3D-1.

Here again, Applicant failed to disclose the slurry walls, misrepresenting the existing liner system to TCEQ. Applicant's repeated failure to disclose the slurry walls is a material misrepresentation with real-world consequences. Failure to disclose the slurry walls prevents TCEQ from performing an adequate analysis of the existing subsurface liner system, prevents assurance of an informed and protective design for proposed expansions, and stonewalls against any potential TCEQ inquiry into continued impacts of the slurry walls on shallow groundwater. Although the Applicant failed to disclose, discuss, or defend the past and proposed continuing use of slurry walls in its application, it is now undisputed that MSW-1643 utilized slurry walls as permanent liners—the Executive Director directly acknowledges the slurry trench cutoff walls of the MSW-1643 area in RTC Comment 31.

3. Applicant's misrepresentations led to non-compliant design.

Applicant's misrepresentations led to a grossly inadequate design for the vertical expansion areas above MSW-1643. Based on the Applicant's representations regarding existing liner systems, TCEQ required the Applicant to propose an overliner above certain old landfills. This is plainly explained in ED RTC 27: "For parts of the landfill where the previous liner may not meet the current requirements, the facility proposed an overliner installed on top of the current landfill to provide protection to groundwater." (emphasis added). However, Applicant did not propose an overliner for areas installed on top of MSW-1643, one of the areas for which Applicant failed to disclose the slurry walls. Applicant was not required to include an overliner system over the MSW-1643 area as a result of Applicant's repeated failure to disclose the slurry wall liners.

4. The ED's Decision should be overturned and the application denied.

The confusion and inadequacy of the existing and proposed liners in this application are a direct result of Applicant's material omissions, misrepresentations, and ongoing false submissions to TCEQ. According to TCEQ rules prohibiting submission of false information, it is not the job of TCEQ, the public, or affected persons to navigate false information and its consequences. Rightfully, 30 TAC § 330.57(d) places the burden of submitting correct information and the consequence for submitting false information upon the Applicant. Accordingly, the ED's Decision should be overturned, and this application should be denied.

B. The ED's Decision should be overturned because the proposed overliner fails to meet TCEQ rule requirements.

In addition to Applicant's submission of false information relating to the nature of existing liners discussed above, the ED's Decision should be overturned because the application failed to

provide information to demonstrate the underlying old landfills will be a sufficient foundation to ensure stability of the proposed overliners. Such an omission violates TCEQ rules and is cause to overturn the ED's Decision.

approved in writing by the executive director, all constructed liners shall be keyed into an underlying formation of sufficient strength to ensure stability of the constructed lining." Applicant provided no demonstration that the underlying landfills were a formation of sufficient strength to ensure stability of the proposed overliner system. Rather, Applicant only provided a stability analysis for one specific location in an area of new lateral expansion outside the existing waste footprint. Applicant failed to provide any stability or settlement analysis for the vertical expansion over the existing and closed landfills with non-compliant liners concerning the stability to support the long-term viability of and ability to withstand the stresses from underlying settlement placed on the proposed overliners. This omission violates rule 330.339(a), and accordingly, the ED's Decision should be overturned and the application should be denied.

C. Conclusion of Request for Reconsideration.

Although it is rare for a permit to be denied prior to a contested case hearing, in this case, denial is appropriate, warranted, and prudent. Due to Applicant's material false statements regarding existing liners and the insufficient, unsubstantiated, and ill-conceived overliner system, denial is readily available relief under applicable TCEQ rules. Such a denial would only work to protect human health and the environment, including groundwater resources. In weighing its decision, Westwind urges the Commissioners to consider that this site is located within a secondary aquifer and recharge zone, and the shallowest historical water levels for each monitor well at this facility

range between a mere 3.5 feet below ground surface to 9.8 feet below ground surface—as shallow as the bottom of a small backyard pool.³⁸ Westwind respectfully requests that the Commissioners overturn the ED's Decision and deny this application.

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Respectfully submitted,

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³⁸ See ATTACHMENT A (Historical Shallowest Water Table Depths).

ATTACHMENT AHistorical Shallowest Water Table Depths

Historical Shallowest Water Table Depths (ft.)

TABLE III-4-10 HAWTHORN PARK RECYCLING & DISPOSAL FACILITY EXISTING MONITORING WELL WATER ELEVATION

Depth	Below Curton	95.75	95.86	95 19	92.31	93.80	93.21	94.20	04 24	96.63	94 86	95.26	96.33	ag ag	97.02	70
	2018		-		-			-	+						-	
	87 12/17-18	97.10	97.19	96 49	95.46	85.25	94.61	95.20	05.80	100 03	96.21	96.74	98 03	02 70	98 92	
	12/11-12/2017 12/12-18/2018 12/12-13/2019 Surface	95.22	93.96	93.39	93.44	93.10	93.10	94.03	93.64	95.53	94.84	95.26	96.70	97.34	75.79	
	12/19/2016	94.10	92.93	92.44	92.80	92.46	92.73	93.50	93.22	94.57	93.96	92.38	95.31	96.19	96.17	000
	12/7-8/2015	93.15	96.98	89.34	87.95	90.40	92.60	94.77	95.04	95.15	95.06	95.53	95.28	95.76	96.37	07.44
	12/8-9/2014	65.97	79.46	78.89	61.55	83.52	88.46	91.50	88.69	88,05	88.56	88.86	87.98	88.44	89.22	27.00
	12/9-10/2013	89.55	86.24	85.91	84.23	87.40	89.31	98.30	87.94	87.35	87.82	88.16	87.33	88.34	89.57	04.70
vations (ft mst)	12/10-11/2012 12/9-10/2013	89.45	87.44	87.06	78.67	86.60	15.51	87.70	87.14	83.83	86.43	87.08	85.07	86.19	87.77	70 00
Groundwater Elevations (ft msl	12/1/2011	89.85	88.24	87.76	77.45	88.72	86.16	85.12	85.59	82.05	84.76	84.96	83.41	84.74	86.52	88 60
5	12/9/2010	92.35	91.34	90.84	87.30	90.00	88.73	87.08	96.76	81.43	84.26	84.91	80.73	83.59	86.37	92.09 89.79 88.69
	12/21/2009	96.02	94.52	93.74	88.54	92.85	90.71	84.25	88.42	79.13	84.06	84.81	79.78	83.54	86.92	00.00
	12/29/2008	93.30	89.99	89.49	86.91	90.20	91.09	89.63	88.01	82.98	85.51	86.08	82.33	69.98	88.77	92.31
	12/17-18/2007	97.56	96.29	95.34	94.45	94.36	94.31	96,42	95.44	95.43	95.39	95.76	95.61	95.94	97.40	98 19
	12/19-20/2005 12/13-14/2006	93.25	92.09	91.64	99.90	90.76	68.03	89.30	87.92	88.93	88.89	89.34	87.91	89.82	90.75	01 66
	12/19-20/2005	91.56	69.68	89.34	87.65	90.25	69.03	86.75	86.99	84.29	85.97	86.40	85.15	86.99	88.31	89 R7
	12/9/2004	95.67	93.06	92.47	90.15	92.85	93.54	93.19	91.21	86.90	87.86	88.89	87.37	90.44	91.81	63 63
4	100	107.80	105.34	105.29	108.45	105.20	105.51	105.10	105.14	106.43	106.76	106.26	105.83	106.34	109.07	110.69
	well 10	MW-6	MW-7	MW-8	WW-9	MW-10	MW-11	MW-12	MW-13	MW-14	MW-15	MW-16	MW-17	MW-18	MW-19	MW-20

*From monitoring well boring logs Part III. Attachment 4, Appendix 4B

Mistorical Highest Water Level Measurement for Each Monitoring Well.

All markings in red added by the author of these comments.

Biggs and Mathews Environmental, Inc. M¹/Proj\101\24\102\Part III Att 4 Appendrs 4E\7able III-4·10 - HP Historical GW Elevations

Hawthorn Park Recycling & Disposal Facility Rev. 0, November 2020 Part III, Attachment E

III-4E-3

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Wednesday, September 1, 2021 10:39 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

2021 08 30 Hawthorne Park Request for Public Meeting.pdf

PM

Н

From: mwoodward@hslawmail.com < mwoodward@hslawmail.com >

Sent: Monday, August 30, 2021 4:35 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

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AUSTIN TX 78701-1600

PHONE: 5124798888

FAX:

COMMENTS: Letter with comments attached.



Michael L. Woodward Attorney mwoodward@hslawmail.com

August 30, 2021

Transmitted electronically via TCEQ website

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

Re:

USA Waste of Texas Landfill, Inc., CN60256090

Municipal Solid Waste Major Permit Amendment Application for

Hawthorn Park Recycling and Disposal Facility

10550 Tanner Road

Houston, Harris County, Texas TCEQ Permit MSW-2185A

Dear Ms. Gharis:

Our firm is writing on behalf of our client, Westwind Industries LP, 10423 W. Gulf Bank Rd, Houston, TX 77040-3127 ("Westwind"), to request a **Public Meeting and a Contested Case Hearing** be held on the above-referenced application.

Despite owning property immediately adjacent to the proposed landfill expansion, Westwind did not receive a mailed copy of the Notice of Application and Intent to Obtain Municipal Solid Waste Permit Amendment issued for Proposed Permit No. 2185A. The Applicant, USA Waste of Texas Landfills, Inc. has included the wrong address for Westwind in the Land Owners List found at Part I, Appendix IB of the subject application. Our firm has confirmed that the correct address for Westwind is listed in the public records of the Harris County Appraisal District. Based on information received from other parties, Westwind is not the only person listed in the Land Owners List whom did not receive a written copy of the notice. On behalf of our client, we respectfully request that the Applicant be required to confirm and correct the addresses for property owners listed in Part I, Appendix IB, and that new notice be mailed to the correct addresses. Meaningful public input is impossible without proper notice to the persons most likely impacted by this proposal.

Westwind owns approximately 40 acres of real estate adjacent to and directly across Tanner Road from the entrance to the subject landfill. This landfill has sat dormant for several years and

calling this application an "expansion" is misleading because it includes reopening an already closed landfill. Westwind is concerned about the detrimental impacts the proposed expansion and re-opening of the landfill will have on the use and enjoyment of their property. The planned expansion of the landfill is inconsistent and incompatible with our client's planned use of the property for mixed residential and commercial purposes for several reasons.

First, the expansion and re-opening will mean increased truck traffic on heavily congested Tanner Road in front of Westwind's property making it more difficult for ingress and egress. Second, Westwind is also extremely concerned about the impacts the expansion will have on air quality, which can be a detriment to the health and well-being of the occupants of their property. Third, the planned expansion of the landfill will also increase surface water runoff leading to an increased likelihood of flooding on their property located topographically downstream from the subject facility. In addition to the increased volume of stormwater runoff from the landfill, our client is concerned about the increased contaminants in the stormwater runoff causing further harm to the use and enjoyment of their property. This list of concerns is not meant to be exhaustive, and we reserve the right to raise additional concerns and issues in the future after having an opportunity to review the application in more detail.

Our client objects to the proposed aerial expansion and re-opening of the landfill due to the close proximity to their property located in the Carverdale Neighborhood. If the major amendment is approved, the mountain of trash and debris will become the highest point in the surrounding area visible for miles negatively impacting the quality of life for those persons closest to the landfill. Due to the close proximity to homes, churches, schools, businesses, recreational areas and parks where many people live, worship, study, work and play, the proposed expanded landfill poses serious health risks to the surrounding community from increased air emissions and stormwater runoff polluting surface and groundwater and creating potential flooding of the surrounding properties. The Carverdale Neighborhood sits at the intersection of U.S. Highway 290 and Beltway 8 in northwest Harris County, a heavily congested area already experiencing severe traffic problems. The addition of heavily laden trucks servicing the expanded and re-opened landfill will only make those traffic problems worse.

We reiterate that our client requests a **PUBLIC MEETING** be held within the Carverdale Neighborhood in Harris County, Texas, so that those property owners and residents most impacted by this proposal may voice their concerns to the Commission. Our client also requests a **CONTESTED CASE HEARING** be held on the application referenced in this correspondence.

Public Meeting Request for Hawthorne Park Recycling and Disposal Facility August 30, 2021 Page 3

We respectfully request that our respective firms be added the mailing list so that we may receive future notices regarding this application. The points of contact for our client are:

V. Blayre Peña 1801 Red Bud Lane, Ste. B-169 Round Rock, TX, 78664 Blayre@vbpenalaw.com O: 512-642-8585 Michael L. Woodward HANCE SCARBOROUGH LLP 400 West 15th Street, Ste. 950 Austin, TX 78701 mwoodward@hslawmail.com O: 512-479-8888

Sincerely,

-S-

V. Blayre Peña

-S-

Michael L. Woodward

V. Blayre Peña

Michael L. Woodward

Debbie Zachary

From:

PUBCOMMENT-OCC

Sent:

Wednesday, June 29, 2022 1:47 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

2022 06 28 MSW 2185A Public Comments of Westwind Industries.pdf

From: mwoodward@hslawmail.com <mwoodward@hslawmail.com>

Sent: Tuesday, June 28, 2022 2:37 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Michael L Woodward

EMAIL: mwoodward@hslawmail.com

COMPANY: Hance Scarborough LLP

ADDRESS: 400 W 15TH ST Suite 950

AUSTIN TX 78701-1600

PHONE: 5124798888

FAX:

COMMENTS: Public comments attached.



Michael L. Woodward Attorney mwoodward@hslawmail.com

June 28, 2022

Transmitted electronically via TCEQ website

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

Re:

USA Waste of Texas Landfill, Inc., CN60256090 ("Applicant") Municipal Solid Waste Major Permit Amendment Application for Hawthorn Park Recycling and Disposal Facility 10550 Tanner Road Houston, Harris County, Texas TCEQ Permit MSW-2185A

Dear Ms. Gharis:

Our firm is writing on behalf of our client, Westwind Industries LP, 10423 W. Gulf Bank Rd, Houston, TX 77040-3127 ("Westwind"), to submit additional public comments on the above-referenced application. We have previously submitted written comments on behalf of our client on August 30, 2021 and provided verbal comments in the online public meeting conducted by the Texas Commission on Environmental Quality on January 18, 2022. Westwind adopts and incorporates the written and verbal comments previously provided in this matter and submits these written comments as a supplement to those comments.

The Hawthorn Park Landfill, as it exists today, has essentially been closed for more than 5 years when the last significant amounts of wastes were received in the third quarter of 2016. The TCEQ Central Registry reports indicate that only twenty (20) un-compacted cubic yards have been received each quarter since that time, but this is at best, a ruse. The gates have been closed and locked and signs posted saying "By Appointment Only" and while they may still have a minor amount of airspace capacity remaining, the facility should have had a final cover installed to prevent further infiltration of rainwater many years ago. Instead, it has been left there to fester with nothing but the last required weekly cover.

The current Major Permit Amendment Application, MSW-2185A, is a monstrosity that will more than triple the current amount of waste present and extend the lifetime of the landfill for at least another 46.3 years. It will increase the final elevation the landfill to the height of a 10-12 story

building, towering over the area and becoming the most prominent feature for many miles around. It will subject the residents of the historical, mainly minority community of Carverdale, many of whom have suffered the effects of the current landfill for most of their lives since the mid 1970's, to even worse traffic, odors, contamination-spreading vectors, dust and windblown trash, and other nuisances for many years into the future.

Westwind owns approximately 50 acres of real estate adjacent to and directly across Tanner Road from the entrance to the subject landfill. Westwind contends the proposed expansion and reopening of the landfill will have detrimental impacts on the use and enjoyment of their property. The planned expansion of the landfill is inconsistent and incompatible with our client's planned use of the property for mixed residential and commercial purposes. This application should not be approved and the proposed draft permit should not be issued for multiple reasons, including the reasons provided in previous comments and the following additional reasons:

I. The proposed aerial and vertical expansion is incompatible with the surrounding land uses.

The Hawthorne Park landfill is located with the Carverdale neighborhood, a historically Black residential neighborhood that underwent substantial change following the nearly simultaneous introduction of Northwest Freeway/US 290 and the Hawthorn Park facility in the 1970's. Despite recurring adverse impacts to the Carverdale residents over the last several decades, the area remains a cohesive single-family residential area with a high concentration of churches serving the predominantly minority congregations, including the Greater Macedonia Baptist Church located less than half a mile south of the proposed entrance to the expanded landfill. Evidence of community cohesion is apparent in the social services provided by the community to its residents, including the Mission of Yahweh women's and children's shelter, the Northwest Houston Impact Center, and the Carverdale Community Center. Active civic groups such as the Carverdale Civic Club further illustrate the cohesiveness of the Carverdale community. The entire Carverdale neighborhood is considered predominantly minority, and a large portion of the neighborhood has a medial household income below that of the city of Houston as a whole. English proficiency within the neighborhood is mixed, with the majority of persons with limited English proficiency ("LEP") speaking Spanish.

Fairbanks/Northwest Crossing, one of the oldest neighborhoods in the surrounding area, retains elements of its original character despite the barrier effect of construction of Northwest Freeway/US 290 through the middle of the community. In addition to small, established neighborhoods, the area contains several churches and a number of neighborhood schools and parks. Nearly all of the residential areas within the portion of Fairbanks/Northwest Crossing within the study area are predominantly minority. Much of the Fairbanks/Northwest Crossing area has a median household income approaching the DHHS poverty guideline or a median household income lower than the city of Houston as a whole (though portions of this area do not have a

Public Comments for Hawthorne Park Recycling and Disposal Facility June 28, 2022 Page 3

reported median household income). The area contains a higher percentage of persons with LEP (predominantly Spanish speakers).

Westbranch, located south of the Hawthorne Park Facility, includes dense, single-family development within the Westway subdivision, townhomes at Westway Courtyard, and apartments within the Asheville at Spring Branch complex. All of these residential areas within Westbranch are predominantly minority. English proficiency within the Westway neighborhood is lower than in the western portion of the study area; the majority of persons with LEP in this area speak Spanish.

Since the current application has been filed, community concerns have mounted regarding the expanded size of the landfill, the waste to be accepted in the future, and the continued and exacerbated social, economic and environmental effects that this expansion would impose on the surrounding marginalized community. The distinct residential communities in the study area have persisted despite the recurrent effects of industrial and highway related development in and among their neighborhoods. Nonetheless, residents in the study area remain particularly vulnerable to the social, economic, and land use impacts of past, current and potential future development of a similar nature. The further expansion and extended duration of the landfill activities proposed in the permit application would continue to impose a disproportionate burden on historically residential, minority, low-income, and LEP communities that have already endured decades of marginalization as a direct result of both public and private industrialization, including the original introduction of the Hawthorn Park Facility and its previous expansions.

In addition to posing a continued threat to the social and economic health of these communities, public concerns continue to arise regarding the potential physical health effects of the landfill. Aside from the lack of effectiveness of the measures in place to protect public health, the perceived threat to the physical health of the community could further contribute to the disproportionate burden placed on residents in proximity to the landfill, particularly in the form of potentially decreased property values. The continued and amplified presence of the landfill would potentially dissuade future investment in community revitalization projects that could aid in reversing the long-term effects imposed by the landfill and other conflicting developments in this historically residential area.

II. Despite proposing to "piggy-back" the landfill expansion over closed/abandoned pre-Subtitle D landfills, the application does not accurately identify all of the old landfills nor does it address how the expansion will impact the existing landfills located at the site.

According to the "closed landfill inventory" on the Houston-Galveston Area Council (H-GAC) website there appear to be several old disposal areas within the proposed permit boundary that are not indicated in the application. The project area along Tanner Road has a long history of being the dumping ground of Houston. The fact that applicant did not provide due diligence to identify

all previous landfill operations in the area is concerning. At face value, the permit amendment application appears to be seeking a simple vertical expansion over an existing subtitle D landfill. That appears to be deceptive. Based on assertions in the application and the "closed landfill inventory" maintained by the HGAC, the application appears to actually be proposing to "piggyback" new landfill disposal units over closed landfill units predating federal subtitle D, for which possible impacts are completely unaddressed. The application completely ignores most of the closed landfills except for the several previous Sanifill landfills consolidated into the current landfill permit back in 1994. Placing additional fill on top of the closed, pre-Subtitle D landfills could potentially exacerbate releases of leachate and/or landfill gas posing a threat to human health and safety, and the environment.

The application attempts to justify the vertical expansion by claiming the existing landfills at the site were constructed with liners that comply with existing technical standards. This assertion is simply not true. It ignores the fact that dumping occurred at the site in unpermitted landfills that had no liners. Even the landfills that were permitted by the State were all constructed below the water table requiring either active dewatering or sump pumping of the excavated area just to construct the liners, which while approved at the time, do not all meet current requirements. The water table, while it may vary with weather and rainfall, is very often less than 10 feet below the natural ground surface. It should be noted that the geologists for the State of Texas warned against the original issuance of Permit No. 1135, in that the high-water table level and geology of the immediate area made the site unsuitable for solid waste disposal. In a memorandum from the Texas Department of Health Resources, dated October 17, 1977, it was written, "Recommend site not be used for solid waste disposal." (Attached as Exhibit 1)

Despite this recommendation, the permit was issued and the liners were constructed below the top of the water table. Whether those liners were adequate or whether they have ever leaked is unknown given the problems with the groundwater monitoring system which is ineffective at best because of the past history, and unknown current status, of dewatering operations over the years as the other adjacent landfills were permitted, constructed and operated.

For the subsequent permits issued at this site, including Permit No. 1643 (the West Block) and Permit No. 1448A (the East Block), slurry trench cutoff walls were utilized as the primary (and only) liners where the landfill intersected the uppermost aquifer, despite objections from the Director of the Permits Division of Solid Waste Management of the Texas Department of Health. In a letter dated May 31, 1985, the director made it quite clear that the use of slurry trench cutoff walls are NOT considered a proven method for providing the degree of long-term containment which is necessary for a new solid waste landfill. (Attached as Exhibit 2) Despite this objection, slurry trench cutoff walls are the primary sidewall liners for the landfills constructed and operated pursuant to Permit No. 1643 and portions of the landfills authorized under Permit No.1448A, which are landfills on top of which the aerial and vertical expansion is planned in this application.

Public Comments for Hawthorne Park Recycling and Disposal Facility June 28, 2022 Page 5

In response to notices of deficiencies in which the TCEQ reviewers requested information regarding whether the liners meet current standards, the applicant responded "All the waste areas developed to date have sidewall liners composed of a minimum of 3 foot think clay liner that is in-situ, constructed, or a combination of both." This is simply not true. A slurry trench cutoff wall is not a re-compacted clay liner and does not meet the requirements of 30 TAC § 330.331(d) for a landfill liner.

Furthermore, potentiometric surface maps from 2016 and later show groundwater within the existing waste and smooth contours crossing existing landfill boundaries, indicating that existing landfill liners are ineffective for preventing groundwater flow through the waste.

Rather than provide any analysis of what impact the expansion will have on the liner systems in the existing waste areas, the application simply proposes to build overliners above the decomposing waste areas which do not have liners that meet the current requirements of 30 TAC §330.331(d). This proposal is inappropriate and should not be allowed. There are five known permitted landfills and several other unpermitted unlined landfills all occupying the same block of land that has a very high water table, high lateral groundwater flow velocity, uses non-compliant slurry trench cutoff walls and a very compromised groundwater monitoring protection system. The placement of an overliner on top of this system is not going to bring the historical practices up to standard or fix any of the historical problems, rather it will allow the placement of triple the amount of waste already disposed of at the site with no analysis of what impact that will have on the existing disposal areas with regards to the settlement, stability or ability to protect human health, safety, or the environment. Placement of an overliner on top of disposal areas with nonexistent or substandard liners is no different than authorizing a landfill without a liner, or with substandard liners, and is a violation of the TCEO rules.

III. The subsurface investigation conducted for this application does not comply with the requirements of the TCEQ regulations nor is it consistent with the standard of practice.

The Applicant has not drilled a sufficient number of borings to the necessary depths to adequately characterize the subsurface. Rather than adequately characterize the facility for the planned expansion of the landfill by drilling new borings, Applicant has utilized historical groundwater monitoring well installation "logs" to create a semblance of appropriate soil boring density for characterization. Many of the monitoring well installation "logs" show that the penetrations, dating as far back as 1977, do not extend to the depths required by the TCEQ MSW regulations. The well logs are assembled from a series of discrete historical landfills located at the site. The wells were drilled at different times by different contractors who utilized different methods of recording data and, in many instances, have used identical naming conventions for the wells and borings which creates serious confusion and unreliability of data. Additionally, the soil borings relied on by applicant are not equally distributed across the area proposed to be included in the

permitted boundary. As indicated, most of the soil borings being relied on in the application are historical monitoring wells not drilled to characterize the site for this application, but for much smaller discreet landfills that were eventually consolidated into the current permit. As such, the borings are closely spaced along the north and south boundaries of the previously landfilled areas and do not represent the conditions that would be found under the majority of the planned landfill expansion. Similarly, there are no borings to indicate the subsurface characteristics beneath the "Detention Pond" proposed to be utilized to control surface water runoff from the permitted facility because it has never been included in the permit boundary and yet it is still proposed to be outside of the boundary.

Additionally, the subsurface investigation provides no site-specific data on the hydrologic conditions or hydraulic properties of the materials contained within pre-existing landfills; therefore, the Applicant cannot accurately assess how these materials influence groundwater flow and contaminant transport through the pre-existing and proposed landfills.

IV. Cross sections illustrating subsurface information for both fill and geologic conditions appear to be critically flawed.

Due to deficiencies in the characterization of the subsurface, the information contained in the geologic cross sections contained in the application are misleading, conflicting, non-compliant with TCEQ MSW regulations, and not consistent with relevant standards of practice. As previously discussed, Applicant relied heavily on groundwater monitoring well installation "logs" to prepare the geologic cross-sections rather than information from soil boring logs drilled specifically to characterize the site, no doubt due to the confusion surrounding the similar naming conventions of what soil borings were done for the various different landfills over the long tortured history of this site. Accordingly, the cross sections contained in the application do not comply with TCEQ MSW regulations, are not current, are confusing, and do not accurately represent the subsurface at the locations proposed for the landfill lateral and vertical expansions.

The cross sections do not accurately describe the subsurface in relation to the elevation of deepest excavation at the site. The "Fill Cross Sections" fail to "accurately depict the existing and proposed depths of all fill areas within the site." As previously discussed, the application has failed to take into account all of the historical disposal that has taken place at this site, the history of the development of the various landfills at the site and has therefore failed to accurately depict the existing depths of all fill areas with the site.

V. The hydrogeologic properties and the extent of the lower confining unit described in the application are inconsistent with the consensus of published information for the area.

The application relies on a substandard and inadequate characterization of the subsurface to describe the lower confining unit beneath the uppermost aquifer. The description of the hydrogeologic properties at the site is completely opposite from the historical consensus of published information for this region. The application asserts that groundwater moves laterally with no vertical component because of "Layer III", which the application claims serves as an aquitard. However, as previously discussed, there is inadequate data to support this assertion due to the deficient subsurface characterization. Also, this claim of no vertical movement of groundwater ignores recent studies conducted on the Houston area geology and particularly hydrogeology related to the Gulf Coast Aquifer System that were apparently not reviewed during the preparation of the Geology Report contained in the application. For example, the following studies were not referenced in the Geology Report:

- Kasmarek, Mark C., <u>Hydrogeology and Simulation of Ground-Water Flow and Land-Surface Subsidence in the Northern Part of the Gulf Coast Aquifer System, Texas, 1891-2009</u>, U.S. Geological Survey, Scientific Investigations Report 2012-5154, Version 1.1, 2013 [This is referred to as the Houston Area Groundwater Model "HAGM"]
- Kasmarek, Mark C., and Robinson, James L., <u>Hydrogeology and Simulation of Ground-Water Flow and Land-Surface Subsidence in the Northern Part of the Gulf Coast Aquifer System, Texas</u>, U.S. Geological Survey, Scientific Investigations Report 2004-5102, 2004. [This was the original Groundwater Availability Model or "GAM"]
- o Braun, Christopher L., Jason K. Ramage, <u>Status of Groundwater-Level Altitudes</u> and <u>Long-Term Groundwater-Level Changes in the Chicot, Evangeline, and Jasper Aquifers, Houston-Galveston Region, Texas, 2020</u>, U.S. Geological Survey, Scientific Investigations Report 2020–5089, 2020.
- Oden, Timothy D. and Geoffrey N. Delin, <u>Groundwater Recharge to the Gulf Coast Aquifer System in Montgomery and Adjacent Counties, Texas</u>, U.S. Geological Survey Fact Sheet 2013-3043, 2013.

Despite the application's best efforts to deny that groundwater moves vertically, there is insufficient data to support that claim over a wide area, and that for anything over but very small localized areas, the calibration of both the GAM and HAGM shows that significant vertical movement is required in validating the modeling of the Chicot and Evangeline Aquifer units to match actual observed conditions. The application completely ignores this information.

VI. The current and proposed Groundwater Monitoring System is based on flawed hydrogeologic characterization and non-compliant with TCEO regulations.

As previously discussed, the application erroneously asserts that Layer III will prevent local downward migration of groundwater. This assertion is not supported by sufficient characterization of the local conditions nor is it supported by the Groundwater Availability Models for the region. Accordingly, it is reasonable to conclude that any releases from the existing landfill units may have significant vertical migration and may not be detectable from the shallow perimeter groundwater monitoring system proposed in the application.

Even if local groundwater movement is exclusively horizontal, which it does not appear to be and is somewhat debatable over how large an area if it is, the current/proposed groundwater monitoring well spacing does not conform to standard practice nor TCEQ regulations. Nor is the current and proposed system effective because of past and proposed dewatering activities. There do not appear to be a sufficient number of monitoring wells, installed at appropriate locations and depths, to yield representative groundwater samples from the uppermost aquifer to ensure detection of groundwater contamination of the uppermost aquifer. Nor is there any consideration given to the impact that dewatering activities have had on the potentiometric groundwater surface elevation maps, derived from monitoring well water elevations, used to estimate groundwater flow direction and velocity.

The "uppermost aquifer" potentiometric surface maps do not reflect actual natural subsurface conditions, only those severely impacted by dewatering activities during the developmental history of the site, meaning the proposed groundwater monitoring system has not been designed in accordance with the TCEQ regulations with designated upgradient and downgradient monitoring wells. The application completely ignores and does not discuss the impacts of the slurry trench walls constructed onsite (the extents of deepest excavation), or other areas of deep excavations, and their impact on the flow direction and velocity of shallow groundwater.

VII. The proposed expansion of the landfill presents an unreasonable threat to groundwater.

As previously discussed, due to inadequate characterization of the subsurface, lack of evaluation of the impact to historic disposal areas (unlined and substandard liners) beneath the top of the water table and insufficient groundwater monitoring, the planned expansion of the landfill presents an unreasonable threat to the shallow groundwater in the area. The application identifies a large number of water wells within one mile of the landfill that local residents rely on for domestic purposes. The application provides no assurances that contaminants will not be released into this source of water that serves the surrounding community.

VIII. The application fails to meet the regulatory requirement of demonstrating the "existing drainage patterns will not be adversely altered" at the permit boundary.

The permit drainage design relies on a large, 43-acre detention pond that is located on property owned by the applicant immediately to the east of the proposed facility; however, this critical drainage structure is not located within the proposed permit boundary. The surface water drainage design relies on the discharge from Control Point, CP-1 (the outlet from the detention pond to meet the regulatory requirement that "existing drainage patterns will not be adversely altered". The regulations of the TCEQ have almost universally been applied to discharge points at the permit boundaries. TCEQ's current regulatory guidance, <u>Surface Water Drainage and Erosional Stability Guidelines for a Municipal Solid Waste Landfill</u> RG-417, May 2018 provides a confirming discussion under §1.3 - <u>Demonstrating that Existing or Permitted Drainage Patterns Will Not Be</u> Adversely Altered:

"For each <u>permit boundary discharge point</u> you need to demonstrate that drainage patterns will not be adversely altered because of the site development on (1) peak flows, (2) velocities, and (3) volumes." [Underline emphasis added.]

The offsite detention pond intended to control runoff from the landfill facility, as it exists now, does not and has never met the requirements of the current Permit No. 2185. The design of the detention pond for Permit No. 2185 calls for a detention capacity of 300 acre-feet, an area of 44.2 acres and an average bottom elevation of 94.1 ft. msl. A detention pond of that size and capacity has never been built and as a result, the requirements and conditions of the existing permit have never been met. It is very possible that the shortage of the stated required detention capacity has contributed to the extreme flooding issues of Tanner and Gessner Roads. Permit 2185 was granted without requiring the detention pond be within the permitted boundaries and it appears there has been no effort to require the pond be expanded to meet the design criteria required by the permit.

The application provides confusing and conflicting information regarding the offsite detention pond. The application contains two different designs for the detention pond with conflicting information. The fact that the drainage pond area is located outside of the permitted boundary, and has never been built to design capacity of the current permit, and the conflicting information contained in the application along with other serious technical deficiencies, call into very serious question whether the application satisfies the requirements of the TCEQ regulations pertaining to drainage.

IX. Miscellaneous Issues not adequately addressed in the application

Nuisance conditions

Increased aerial height will increase the potential for creating a nuisance in the surrounding neighborhood due to the increased wind dispersion of dust, waste and odor, that is not addressed in the application.

Historical uses ignored

The previous mining history at the site and its impact on subsurface conditions is not discussed in the application. The first real development of the area composing the current landfill site was mining for sand and soil products to support the rapid growth and development in the Houston area. There were several different companies that were formed to do the mining and sell the soil products needed for the rapid development. The site is rich in sand and the sand layers to this day intersect with the landfill liners that were eventually constructed. The resulting mining pits that were left from mining operations naturally lent themselves as sites for the disposal of waste. Unpermitted dumping was occurring in the area well before the State of Texas began regulating solid waste disposal.

Unstable area

The application does not adequately address the requirement that engineering measures be incorporated into the landfill's design to ensure the integrity of the structural components of the landfill unit will not be disrupted due to the area being unstable from previous underlying waste disposal and the continuing decomposition of those wastes. The application ignores the potential impact of "piggy-backing" on closed landfills will have on the stability of the entire system. Similarly, the application ignores the potential for land subsidence in the area despite the recent history to the contrary.

Access Roads not Adequate

Tanner Road is a heavily used roadway that has not been upgraded. There is confusion as to which governmental entity has financial responsibility for upkeep of the road and any future widenings or improvements because the City of Houston's jurisdiction lies on one side of Tanner Road with Harris County's jurisdiction on the other. Tanner Road is currently not capable of handling the increased traffic from expanded landfill operations. No financial commitments have been made by either governmental entity to improve Tanner Road and only small portions of the required right of way for widening or improvement have been dedicated and/or secured. The current traffic Level of Service, as described in the application, in nearby major intersections that are required to access the site, is rated as F, "Unacceptable", in the 2019 existing conditions at peak flow a.m. and p.m. times of day, when the study was conducted. The future conditions, even absent the approval of this permit, only get worse. The increase in large heavy waste hauling vehicles will strangle this area.

Public Comments for Hawthorne Park Recycling and Disposal Facility June 28, 2022 Page 11

Landfill Gas Monitoring

There have been documented landfill gas exceedances from the historical waste disposal areas at the site; however, there is no provision in the application to continue passive gas venting from the old landfills. Waste is still decomposing in the historical waste disposal areas but there is no provision in the application for continued passive gas venting, which will contribute to the increased probability of gas migration offsite.

Violation of Voluntary Restrictions not to accept Industrial Waste

The application indicates and the draft permit allows the acceptance of Class 2 and Class 3 non-hazardous industrial solid waste for disposal in the landfill. The landfill permit holder, however, entered into a voluntary agreement with the surrounding landowners to not accept industrial waste as part of a settlement with surrounding neighborhoods during consideration of the application for Permit No. 2185. This agreement was notarized and recorded in the Harris County Clerk's office. The applicant is now going back on its word and violating the agreement entered into with the surrounding neighborhoods by attempting to include industrial solid waste to the list of acceptable waste to be received at the landfill. The TCEQ, in the issuance of the draft permit recently announced for this application, which would authorize the acceptance of those certain industrial wastes, should not be complicit in the violation of the applicant's prior written and recorded legal agreements with the surrounding community that it impacts.

Insufficient Land Ownership

The application is proposing to expand the landfill across what were previously dedicated public road rights of way including Crawford Road, Clara Road and Triway Lane north of Tanner Road. The City of Houston has abandoned portions of Crawford Road and Clara Road and the portions of those abandoned roads included within the new permit boundaries appear to have been purchased by the applicant, but the applicant does not appear to own any portion of Triway Lane north of Tanner Road and which is now included within the new proposed permit boundary. The permit boundary identified in the current permit 2185, issued in 1994, excludes Triway Lane, and the new proposed permit boundaries in this current application attempts to include it. A quick check of the Harris County Appraisal District shows that the applicant is not, and has never been, paying property taxes for that land despite its improvements and use for landfill operations and being blocked off from any public access in recent years.

X. Summary

The Hawthorn Park Landfill is not just one landfill that is now requesting a simple expansion. It is a complex conglomeration of old, permitted and unpermitted, known and unknown landfills that began well before the State of Texas ever even took on the responsibility of managing solid waste

disposal within the state's borders. Technical reviewers of the State of Texas initially recommended against solid waste activities at this location due to the permeable nature of the soils and the shallow groundwater that exist at the site. The permits were issued despite the technical objections, and now forty-five years later, with the existing landfill reaching permitted capacity, USA Waste of Texas Landfills, Inc. is proposing to expand the capacity and extend the life of the landfill for another 45 years. Enough is enough. It is time for the owner/operator of the existing landfill to close the facility in accordance with the TCEQ regulations.

Sincerely,

-S-

-S-

V. Blayre Peña

Michael L. Woodward

V. Blayre Peña

Michael L. Woodward

Enclosure 1 Texas Department of Health Resources Memorandum October 17, 1977

Texas Department of Health Resources

AUSTIN

INTER · OFFICE

Jack C. Carmichael, P.E. Director

FROM ...

George King, Staff Geologist

Division of Solid Waste Management

Solid Waste - Harris County Tanner Rd. Landfill - Permit Application No 1135 N of Tanner Rd., E of Crawford S^{*}. (10430 Tanner Rd.) 0.6 Mi. W of Houston City Limits Coordinates: N 29°51.05' W 95°33.35'

Site is located in the upper-middle part of the Montgomery formation (Upper Lissie) and is 40 to 190+ feet of fine-grained sand, silt, and clay interbedded in the upper part and grading downward generally to coarser sand and in places gravel in the lower part, and yields small amounts of water to scattered shallow wells. This area is classified as a recondary aquifer and recharge zone to the upper part of the regional Evangeline aquifer.

Information supplied by the applicant indicates generally 15 feet of sandy clay with permeability of 5×10^{-7} to 8×10^{-9} cm/sec overlying 41 feet of permeable water bearing silty sand with permeability of 4×10^{-4} to 1×10^{-5} cm/sec overlying 3 to 5 feet of clay with permeability of 2×10^{-9} cm/sec. Water wells within 1000 feet of the site produce from depths less than 60 to 70 feet, apparently from the 41 foot sand body at depths of 16 feet to 57 feet below natural ground surface. Depth to groundwater is approximately 14 feet below ground surface,

As this site is located within a secondary equifer and recharge zone, well below the water table level, with walls containing 41 feet of water-bearing permeable sand which provides water to nearby walls, it appears that sealing the walls with clay may be structurally infeasible, and that filling with inert earth materials may have adverse affects on the nearby water wells, f.e., reduced or limited flow down gradient from the site. Recommend site not be used for solid waste disposal,

GLK: jb

Enclosure 2 Texas Department of Water Resources Letter dated May 31, 1985

TEXAS DEPARTMENT OF WATER RESOURCES

1700 N. Congress Avenue

TEXAS WATER DEVELOPMENT BOARD

Louis A. Beecherl, Jr., Chairman George W. McCleskey. Vice Chairman Glen E. Roney Lonnie A. "Bo" Pilgrim Louie Welch Stuart S. Coleman

Mr. Hector H. Mendleta



Charles E. Nemir Executive Director

May 31, 1985

165 AM - 1 501 - 11 11 1

TEXAS WATER COMMISSION
Paul Hopkins, Chairman
Lèe B. M. Biggart
Ralph Roming

ATTAORETE

Director, Permits Division Bureau of Solid Waste Management Department of Realth 1100 West 49th Street Austin, Texas 78756

Dear Mr. Mendieta:

Re: Municipal Solid Waste
Western Contractors Services, Inc.
Permit Application No. 1643
Harris County

In accordance with Section 4(e)(1) of the Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes), the Texas Department of Water Resources (TDWR) has received your recent letter which forwarded a copy of the application submitted by the subject applicant for a municipal solid waste facility.

Our evaluation of the facility as to its potential for water quality effects is summarized in the following items:

- 1. It appears that the applicant does not propose to discharge water from the facility that has been contaminated by contact with deposited solid waste into either the ground or surface water resources of the area. Any discharge into the waters of the State would require prior authorization by permit from the TDWR. It is noted that the applicant proposes to construct a retention pond for contaminated stormwater; however, details concerning any constructed liner(s) for the pond are not provided.
- 2. Where the natural soil characteristics do not meet the recommended standards which are given below, the applicant proposes to construct a clay barrier that meets these standards or to use an alternative soil-bentonite slurry barrier. This Department has by previous letter dated October 26, 1983 reviewed the subject of slurry walls as primary barriers to leachate migration. As we explained is that letter, we do not consider the slurry wall to be a proven method for providing the degree of long-term containment which is necessary for a new solid waste landfill. We normally recommend that the barrier to leachate migration be composed of clay-rich soils (i.e., liquid limit greater than or equal to 30; plasticity index greater than or equal to 15; and percent passing number 200 sieve greater than or equal to 30) which are a minimum of three feet thick and exhibit a coefficient of permeability less than or equal to 1 x 10 cm/sec. In addition, the Department recommends that municipal solid waste landfills not be constructed in permeable soil materials below the water table.

Mr. Hector H. Mendieta Tage 2 May 31, 1985

3. The applicant proposes to construct surface water control structures to divert runoff away from active disposal areas. To prevent washout of solid waste, the Department recommends that municipal solid waste landfills be protected from flooding during the 100-year frequency flood event. We recommend that any necessary levees be constructed to a minimum level of two feet above the 100-year flood level elevation. Ditches, channels, diversion structures, or berms should be constructed which are capable of preventing runoff from a 24-hour, 25-year rainfall event from entering the working area. Normally, dikes or berms used for this purpose should be a minimum of two feet in height.

We appreciate the opportunity to provide these comments and recommendations.

Sincerely.

Ray Handwhifer Jay Endy, P.E., Chief

Industrial Solid Waste Section

EMA: lab

cc: TDWR District 13 Office - Houston

TCEQ Registration Form

June 28, 2022

USA Waste of Texas Landfills, Inc. Proposed Amendment to Municipal Solid Waste Permit Number 2185A

PLEASE PRINT	
Name: Bayre	Tena
Mailing Address: 180	Pena 1 Red Bud Ln #B-169 Round Rock
Physical Address (if different	ent): Same
City/State:	Zip:
•	s subject to public disclosure under the Texas Public Information Act**
Email: Blayre	OVBPenalaw. (on
į.) 642-8585
	senting a municipality, legislator, agency, or group? Yes No
☐ Please add me to the	e mailing list.
I wish to provide for	rmal ORAL COMMENTS at tonight's public meeting.
☐ I wish to provide for	mal WRITTEN COMMENTS at tonight's public meeting.
(Written commen	nts may be submitted at any time during the meeting)

Ellie Guerra

From:

PUBCOMMENT-OCC

Sent:

Monday, February 27, 2023 11:11 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

CCHMSW2185AREVITALIZE.pdf

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From: myraajefferson@gmail.com <myraajefferson@gmail.com>

Sent: Thursday, February 23, 2023 1:56 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER: 2023-0265-MSW

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Myra Jefferson

EMAIL: myraajefferson@gmail.com

COMPANY: Revitalize America Partnership

ADDRESS: 5417 GESSNER RD HOUSTON TX 77041-7405

PHONE: 2813890237

FAX:

COMMENTS: See attached Contested Case Hearing Request on MSW-2185A, by Revitalize America Partnership

Delivered by email to: laurie.gharis@tceq.gov

And electronically at: www.tceq.texas.gov/agency/decisions/cc/comments.html
And by mail to Laurie Gharis, Chief Clerk, P.O. Box 13087, Austin, TX 78711-3087

February 22, 2023

Ms. Laurie Gharis Chief Clerk Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

Re: Request for a Contested Case Hearing by Revitalize America Partnership, a Charitable 501 (C) (3)
Organization

Dear Ms. Gharis:

Thank you for granting us an opportunity to request a Contested Case Hearing and please allow this letter to serve as notice that "We Request a Contested Case Hearing" pursuant to all applicable rules and regulations of the Texas Commission on Environmental Quality, because we do not believe that Permit Number MSW-2185A is permissible in fact or in law.

Revitalize America Partnership, Inc. is a Charitable 501 (C)(3) Organization of which Myra (Wrenn) Jefferson is a director, and we conduct activities within one mile of where the facility is located. Myra Jefferson is a homeowner in Carverdale at 5417 Gessner Road, Houston, Texas 77041, and the designated representative for receiving future correspondence regarding this matter at: Revitalize America Partnership, 5417 Gessner Rd, Houston, Texas 77041, 281-389-0237.

Revitalize America Partnership meets all four of the following requirements:

- 1. Comments on the application are timely submitted.
- 2. Individual members of the group adversely affected by the facility, including Myra (Wrenn) Jefferson, 5417 Gessner Road, Houston, Texas 77041, 281-389-0237, are landowners within one mile distance of where the Hawthorn Park Recycling and Disposal Facility is located, and have standing to request a hearing on their own right.
- 3. The interests that Revitalize America Partnership seeks to protect are germane to the organization's charitable purposes.
- 4. Neither the claim asserted, nor the relief requested require the participation of the individual members of this case.

Revitalize America Partnership submits this Request for a Contested Case Hearing, individually, and (collectively, as "Commenters"), residents of the Carverdale Neighborhood in Houston, Texas. USA Waste of Texas Landfills ("USA Waste" or "Operator") has applied to the Texas Commission on Environmental Quality ("TCEQ") for a permit major amendment to authorize the vertical and lateral expansion of the Hawthorne Park Recycling and Disposal Facility ("the Facility" or "the Landfill"), a Type IV Municipal Solid Waste Landfill located at 10550 Tanner Road, Houston, Texas 77041. Draft Permit 2185A ("the Draft Permit"), if granted, will only lead to the further environmental degradation of the Carverdale Neighborhood, will exacerbate already existing environmental justice issues, and will result in a permanent source of offsite nuisance for the Commenters and their neighborhood. The precise reasons for Commenters' opposition to the Draft Permit are expounded upon below. Commenters request that the TCEQ deny the Draft Permit and instead require the gradual closure of the Landfill.

1. Request for Contested Case Hearing

If the TCEQ decides not to deny the Draft Permit as requested, then both Revitalize America Partnership and Ms. Jefferson respectfully request that the TCEQ refer the matter to the State Office of Administrative Hearings ("SOAH") for a Contested Case Hearing ("CCH"). We further request that we each be designated as Affected Persons in that same CCH proceeding.

Both Revitalize America Partnership and Ms. Jefferson have previously submitted numerous comments regarding the Draft Permit. And we adopt these comments as if fully stated herein. This current set of comments builds upon the numerous issues that have been previously mentioned by each of the Commenters and describes with greater detail additional technical deficiencies with the Draft Permit.

Both Commenters are Affected Persons for the purposes of a CCH. To be designated Affected Persons we must show that we are each one "who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application." 30 T.A.C.-55.103. Additionally, when determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:

(1) Whether the interest claimed is one protected by the law under which the application will be considered; (2) distance restrictions or other limitations imposed by law on the affected interest; (3) whether a reasonable relationship exists between the interest claimed and the activity regulated; (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person; (5) likely impact of the regulated activity on use of the impacted natural resource by the person; (6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; and (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application. 30 T.A.C-55.203(c).

Additionally, for permits filed after September 1, 2015, the commission may also consider the following:

(2) The merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance; (2) the analysis and opinions of the Executive Director and (3) any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor. 30 T.A.C -55.203(d).

Ms. Jefferson has resided in her home at her current address of 5417 Gessner Road, Houston, Texas 77041 since 2013. She previously resided at 10122 Porto Rico, Houston, Texas 77041 from 1962 to 1967, and then at 10278 Algiers Street, Houston, Texas 77041 from 1967 until her mother's death in 1995. These three addresses—her current address and her previous two residences—are all within two blocks of one another, all within a few blocks of the Landfill's southeastern-most boundary, and all certainly within the one-mile radius of the Landfill's perimeter. As a long-time resident of the perennially underserved Carverdale Neighborhood she has seen the neighborhood change, becoming more industrialized and ever more burdened by sources of environmental hazards. Ms. Jefferson drives up and down Tanner Road on a weekly basis, taking her all along the southern boundary of the Facility.

Revitalize America Partnership has operated out of Ms. Jefferson's residence address, 5417 Gessner, Road, Houston Texas since 2013. They are conveners, strategists, communications agents, liaisons, and facilitators that bring together business and community to promote economic opportunity and diversity in education and employment while combating poverty and developing a network. In the normal course of business, Ms. Jefferson drives up and down Tanner Road on a weekly basis, taking her all along the southern boundary of the Facility.

Revitalize America Partnership and Ms. Jefferson are each affected in ways not common to the general public because of their proximity to the Landfill, its current nuisance impacts on their person and personal property, and because of the impact that the Landfill expansion will have on their health, their well-being, their property, and the surrounding environment.

Carverdale was developed as a neighborhood that was historically marketed to African Americans. The Carverdale Neighborhood remains populated by largely minority, non-white individuals as shown by some of the most recent data collected by the City of Houston in 2019: 22% non-Hispanic African American, 45% Hispanic, and 7% non-Hispanic American. The median household income in 2019 was just above \$52,000. More than half of Carverdale's residents speak a language other than English at home, with 45% speaking Spanish and 13% speaking some other language. Therefore, Carverdale's profile is one of a classic environmental justice community: largely low-income and non-white, where more than half of its population speak a language other than English at home.

Allowing for the expansion of the Landfill is not maintaining the status quo. It is instead giving a green light to further environmental degradation and a decreased standard of living by facilitating the isolation of a residential neighborhood wherein the landfill and other industrial sites are located. Commenters and their neighbors have been anticipating the closure of the Landfill for several years now. They had noticed that while activity at the Landfill had not ceased completely over the last handful of years, it had certainly slowed, and markedly so. Commenters and neighbors were glad to see

that the offsite nuisance impacts had diminished in intensity and frequency, though, to be sure, they had not completely abated. Expanding the footprint of the Landfill and permitting more processing of waste will have marked and quantifiable deleterious effects on Commenters, their neighbors, and the whole of the residential population of Carverdale. This is because rather than ushering the closure of the Landfill in the near future it extends the life of the Landfill and will permit greater processing of waste—which will reverse the decline in activity observed by Commenters and their neighbors. There will be an increase in the intensity, frequency, and indeed the inimical nature of the offsite impacts. The TCEQ may not be able to undo the current industrial make-up of Carverdale, but it can certainly take steps to avoid contributing to additional burdens for these already overburdened residents. The TCEQ can do this by denying the Draft Permit.

II. TECHNICAL AND COMPLIANCE ISSUES WITH THE DRAFT PERMIT

A. Commenters have concerns about the Rights-of-Way.

Dispute/Response 45

Contrary to the Executive Director's Response to Comment 45, there were four rights-of-way that traversed the proposed permit boundary of the facility, namely: Clara Road, Crawford Road, Olga Road, and Dancy Lane, to wit:

- a. Clara Road from its northern terminus south to the proposed cul-de-sac.
- b. Crawford Road from its northern terminus south to the proposed cul-de-sac.
- c. Unnamed Road (Olga) from its western terminus (Dancy Road) east to Clara Road.

Based on the PAA, the Applicant excluded the size, legal description, and survey, of the rights-of way; the rights-of-way were never attached to the "Registration" for MSW Permit No. 2185; and the Applicant never Permitted the rights-of-way, without which the proposed expansion shall be denied. Moreover, the Applicant never mentioned Dancy Road in the PAA; inconspicuously mentioned Clara Road, Crawford Road, and Olga Lane, as found on Page 3, paragraph 2 of he PAA; and never held a Public Meeting pursuant to Chapter 42-49, "Replat Requiring Notice of Adjacent Property Owners". Rather, here is what the Applicant said:

"Current Permit No. MSW-2185 retains the rights of way for Clara Rd., Olga Ln., and Crawford Rd., located within the permitted area. Portions of the rights of way have been released by the City of Houston and purchased by USA Waste so that the existing West, Central, and East Blocks will be connected under Permit No. MSW-2185A."

Accordingly, based on the PAA, the Applicant inconspicuously concealed the rights-of-way and in a malicious attempt to bury them under rubble, two of which: Clara Road and Dancy Road, are Carverdale's historic sites. As documented by the Cypress Fairbanks Independent School District, Clara Road is a historic site that is renamed in honor of the late Clara Scott, a Carverdale School teacher. Dancy Road and Clara Road commemorate the union between Cypress-Rosehill and Carverdale (then called Fairbanks) from which the Cypress-Fairbanks Independent School District was born. Therefore, it is the fiduciary duty of the Executive Director to deny Permit Number MSW-2185A, pursuant to the rules

By: Revitalize America Partnership February 22, 2023

and policies of both TCEQ and the EPA regarding environmental justice concerns, and pursuant to compatibility requirements and location restrictions found in 30 TAC § 330.61(h); and pursuant to the equal protection and due process clause of the 14th Amendment of the United States Constitution.

B. Commenters have concerns about Facility Boundaries, Design, and Structure <u>Dispute/Response 26</u>

1. The Executive Director's response in reference to a discrepancy in the size of the permitted waste disposal area, to Comment 26, to which he responded, "...If this amendment is approved, all the existing buildings, structures, roads, and easements will be removed before construction begins..." contradicts the Executive Director's response in reference to the concrete crushing and recycling operations at the facility, to Comment 76, to which he responded, "...If these operations at the facility are operated in accordance with the permit amendment provisions and all applicable rules and requirements, including any applicable air authorizations, no adverse health and environmental impacts are expected." The Executive Director's response to Comment 26 indicates that there is a shortage in the size of the permitted waste disposal area. Accordingly, which is it: must everything go before construction begins to prevent a discrepancy in the size of the permitted waste disposal area; or will the Executive Director allow everything to stay?

Dispute/Response 37

2. To date, no above ground surface vertical expansion of a MSW Type IV Facility has ever been constructed in a residential neighborhood on top of existing landfill waste, and therefore no maintenance records exist. Accordingly, there is insufficient evidence to determine whether the proposed liner would meet the requirements for an above ground surface vertical expansion of a MSW Type IV Facility over existing waste in the Hawthorn Park Landfill in a residential neighborhood.

C. Commenters have concerns about Location.

Dispute/Response 40

Based on the information contained in Application form (TCEQ 20885) and Part II, Appendix A, the Applicant has deliberately misrepresented land use compatibility and location restrictions data within 1 mile of the facility. Both the land use compatibility data and the location restrictions data are inaccurate. Moreover, Carverdale does have historic sites. Based on the Executive Director's response to Comment 40, the TCEQ's Land Use Compatibility Requirements and Location Restrictions intentionally divert MSW Applications away from major development and residential growth areas; groups of property owners, or individuals, in cities or communities containing historic structures and sites, archaeologically significant sites, and sites having exceptional aesthetic quality; toward residents in low-income neighborhoods from which major development and residential growth are trending away. And this constitutes an organized scheme of discrimination, which violates the equal protection and due process clause of the 14th Amendment of the United States Constitution. The Executive Director admitted that there are 2157 single-family residential homes plus 48 presently under construction in Carverdale, however, he knowingly and intentionally drafted

the Permit for the Applicant based on inaccurate land use compatibility data and inaccurate location restrictions data.

Dispute/Response 42

 The Executive Director's Response to Comment No 42 regarding Deed Restrictions makes no sense because Land Use Compatibility Requirements and Location Restrictions are based on Deed Restrictions. Moreover, Deed Restrictions are Covenants. Covenants are Constitutional and are defended in the highest court.

D. Commenters have concerns about Transfer.

Dispute/Response 44

The Executive Director's response to Comment 44 has no basis in fact. It is an undisputed fact that the expansion involves changing from a below ground surface facility to an above ground surface facility. While the Classification of the proposed facility may not change, its type is changing from below ground surface to above ground surface.

E. Commenters have concerns about Environmental Inequality <u>Dispute/Response 57</u>

- These are examples of Environmental Inequality that have to do with the Permit:
 - RIGHTS OF WAY:
- 1. The Applicant never held a Public Meeting pursuant to Chapter 42-49, "Replat Requiring Notice of Adjacent Property Owners".
- 2. The applicant is maliciously trying to conceal and steal Carverdale's historic sites, namely, Clara Road and Dancy Road and bury them under rubble.

LOCATION:

- 1. Based on the information contained in Application form (TCEQ 20885) and Part II, Appendix A, the Applicant has deliberately misrepresented land use compatibility and location restrictions data within 1 mile of the facility. Both the land use compatibility data and the location restrictions data are inaccurate. Moreover, Carverdale does have historic sites.
- 2. Based on the Executive Director's response to Comment 40, the TCEQ's Land Use Compatibility Requirements and Location Restrictions intentionally divert MSW Applications away from major development and residential growth areas; groups of property owners, or individuals, in cities or communities containing historic structures and sites, archaeologically significant sites, and sites having exceptional aesthetic quality; toward residents in low-income neighborhoods from which major development and residential growth are trending away.
- 3. The Executive Director admitted that there are 2157 single-family residential homes plus 48 presently under construction in Carverdale, however, he knowingly and intentionally drafted the Permit for the Applicant based on inaccurate land use compatibility data and inaccurate location restrictions data.

CLOSURE:

It is an undisputed fact that the facility is in a residential neighborhood where it has
operated for more than 30 years. Residents have been looking forward to the permanent
closure of the facility. However, the Executive Director knowingly and intentionally drafted

this Permit to help the Applicant avoid closure, again, in gross disregard for the residents of Carverdale because of their race Black, and Brown.

2. A letter sent to Sanifill of Texas, Inc., ("Sanifill") from the Texas Natural Resources Conservation Commission ("TNRCC") on May 1, 2000, mentions that the Facility had completed the post-closure care maintenance requirements of MSW-01135 during the operational life of the Landfill (Sanifill is, ostensibly, one of the predecessor operators of the Landfill). This same letter mentions that the Facility is eligible to exit the post-closure maintenance period, that Permit MSW-01135 has expired, and that the TNRCC appreciates Sanifill's Cooperation in maintaining the closed site. Commenters and their neighbors are dismayed that the Landfill was somehow allowed to continue to operate after this letter from the TNRCC and is now being allowed to expand. Commenters put forth that the expansion that is currently being sought by the Draft Permit does not comply with the post-closure maintenance requirements of MSW-01135 and that it in fact violates the terms of the same. For this reason, the TCEQ must deny the Draft Permit.

APPLICATION PROCESS and MATERIALS

1. The Executive Director admits that the Contested Case Hearing Process is like a District Court Proceeding, but he denies access to permit information needed to mount one's case.

F. Commenters have concerns about Closure.

Dispute/Response 49

- 1. It is an undisputed fact that the facility is in a residential neighborhood where it has operated for more than 30 years. Residents have been looking forward to the permanent closure of the facility. However, the Executive Director knowingly and intentionally drafted this Permit to help the Applicant avoid closure (again) in gross disregard for the residents of Carverdale because of their race Black, and Brown.
- A letter sent to Sanifill of Texas, Inc., ("Sanifill") from the Texas Natural Resources Conservation Commission ("TNRCC") on May 1, 2000, mentions that the Facility had completed the post-closure care maintenance requirements of MSW-01135 during the operational life of the Landfill (Sanifill is, ostensibly, one of the predecessor operators of the Landfill). This same letter mentions that the Facility is eligible to exit the post-closure maintenance period, that Permit MSW-01135 has expired, and that the TNRCC appreciates Sanifill's Cooperation in maintaining the closed site. Commenters and their neighbors are dismayed that the Landfill was somehow allowed to continue to operate after this letter from the TNRCC and is now being allowed to expand. Commenters put forth that the expansion that is currently being sought by the Draft Permit does not comply with the post-closure maintenance requirements of MSW-01135 and that it in fact violates the terms of the same. For this reason, the TCEQ must deny the Draft Permit.

G. Commenters have concerns about Application Process and Materials <u>Dispute/Response 62</u>

The Executive Director admits that the Contested Case Hearing Process is similar to a District Court Proceeding, but he denies access to permit information needed to mount one's case.

H. Commenters have Miscellaneous, Questions, Recommendations, and Requests. <u>Dispute/Response</u> 76

The Executive Director's response in reference to a discrepancy in the size of the permitted waste disposal area, to Comment 26, to which he responded, "...If this amendment is approved, all the existing buildings, structures, roads, and easements will be removed before construction begins..." contradicts the Executive Director's response in reference to the concrete crushing and recycling operations at the facility, to Comment 76, to which he responded, "...If these operations at the facility are operated in accordance with the permit amendment provisions and all applicable rules and requirements, including any applicable air authorizations, no adverse health and environmental impacts are expected." The Executive Director's response to Comment 26 indicates that there is a shortage in the size of the permitted waste disposal area. Accordingly, which is it: must everything go before construction begins to prevent a discrepancy in the size of the permitted waste disposal area; or will the Executive Director allow everything to stay?

III. Conclusion and Request for Relief

For the reasons stated in these comments and the Prior Comments, USA Waste has failed to demonstrate that its Draft Permit 2185A will comply with relevant regulations. Both Revitalize America Partnership and Ms. Jefferson have demonstrated that they meet the Affected Person status for the purposes of adjudicating the legal sufficiency of the Draft Permit in a Contested Case Hearing Proceeding. Through the Present and Prior Comments Ms. Jefferson and Revitalize America Partnership have pointed out numerous deficiencies, irregularities, and inconsistencies with the Draft Permit that require its denial. Further, the approval of the Draft Permit would be manifestly unjust, and it will contribute to the environmental degradation of the already overburdened Carverdale neighborhood.

These shortcomings of the Draft Permit, in addition to not complying with relevant regulations and law, will have deleterious effects on Ms. Jefferson and Revitalize America Partnership, and their neighbors within Carverdale, for each of the reasons expounded upon in these and their Prior Comments.

Further, Ms. Jefferson and Revitalize America Partnership request that the TCEQ refer the matter to SOAH for a Contested Case Hearing and that each of them be granted party status, in the event that the TCEQ chooses to approve the Draft Permit. Each of these CCH requestors may be contacted through the undersigned.

Respectfully submitted,

Myra (Wrenn) Jefferson

Founder and Director

Revitalize America Partnership

5417 Gessner Rd.

Houston, Texas 77041-7405

myraajefferson@gmail.com

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Monday, April 18, 2022 11:42 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Request for Contested Case Hearing TCEQ Permit No. 2185A

Attachments:

FedEx Scan 2022-04-18_09-51-43.pdf

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From: Laurie Gharis < Laurie. Gharis@tceq.texas.gov>

Sent: Monday, April 18, 2022 11:22 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: FW: Request for Contested Case Hearing TCEQ Permit No. 2185A

Laurie Gharis
Office of the Chief Clerk
Texas Commission on Environmental Quality

Office Phone: 512-239-1835 Cell Phone: 512-739-4582

How is our customer service? Fill out our online customer satisfaction survey at: www.tceq.texas.gov/customersurvey

From: Myra Jefferson < myraajefferson@gmail.com >

Sent: Monday, April 18, 2022 11:01 AM

To: Laurie Gharis < <u>Laurie.Gharis@tceq.texas.gov</u>> **Cc:** Myra Jefferson < <u>myraajefferson@gmail.com</u>>

Subject: Request for Contested Case Hearing TCEQ Permit No. 2185A

Good Morning Ms. Gharis,

See attached 04/18/2022 Request for Contested Case Hearing TCEQ Permit No. 2185A. Thank you.

Myra Jefferson

Delivered by email to: laurie.gharis@tceq.texas.gov

And electronically at: <www14.tceq.texas.gov/epic/eComment/>

April 18, 2022

Ms. Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
MC-105
P. O. Box 13087
Austin, Texas 78711-3087

Subject: Hawthorn Park Recycling and Disposal Facility Pending Municipal Solid Waste Permit Amendment No. MSW-2185A

Dear Ms. Gharis:

Thank you for granting us an opportunity to request a Contested Case Hearing and please allow this letter to serve as notice that "We Request a Contested Case Hearing" pursuant to all applicable rules and regulations of the Texas Commission on Environmental Quality, because we do not believe that Permit Number MSW-2185A is permissible in fact or in law. Revitalize America Partnership, Inc. is a Charitable 501 (C)(3) Organization of which Myra Jefferson is a director and we conduct activities within one mile to where the facility is located. Myra Jefferson is a landowner in Carverdale at 5417 Gessner Road, Houston, Texas 77041, and the designated representative for receiving future correspondence regarding this matter at: Revitalize America Partnership, Inc., 17518 Waverly Grove Dr, Houston, Texas 77084, 281-389-0237. Revitalize America Partnership, Inc. meets all four of the following requirements:

- 1. Comments on the application are timely submitted.
- 2. Individual members of the group adversely affected by the facility, including Gregory Maurice Hudson, 10222 Morocco Rd, Houston, Texas 77041, 713-849-1988, are landowners in Carverdale or within one mile distance to where the Hawthorn Park Recycling and Disposal Facility is located or would otherwise have standing to request a hearing.
- 3. The interests that Revitalize America Partnership, Inc. seeks to protect are germane to the organization's charitable purpose.
- 4. Neither the claim asserted, nor the relief requested requires the participation of the individual members in the case.

ISSUES RAISED:

- 1. The Applicant is attempting to add newly purchased land or the Carverdale Rights of Way to the existing landfill via this PAA, Permit Number MSW-2185A; however, the request exceeds PAA applicability; rather, the Applicant must apply for a New Permit because the newly purchased land or the Carverdale Rights of Way are not part of Permit No. MSW-2185, have never been part of a landfill and have never been permitted as either waste disposal area or non-waste disposal area, were owned by the City of Houston prior to this PAA, carry legal descriptions, and are new land.
- The Applicant is counting the newly purchased land or the Carverdale Rights of Way in the total
 permit boundary of 210.20 acres but only accounts for 171.6 acres, because the size of the Center
 Block is not disclosed but if disclosed would include the measurements of the newly purchased land
 or the Carverdale Rights of Way, which cannot be legally added via this PAA but if approved would
 be connected.
- 3. Because the amended size of the Center Block is not disclosed, and the size and legal descriptions of the newly purchased land or the Carverdale Rights of Way are not disclosed, the PAA is administratively incomplete; nonetheless, the TCEQ has submitted a Draft Permit.
- 4. The Applicant purposely excluded the size of the Center Block and the size of the newly purchased land or the Carverdale Rights of Way to avoid disclosing the land for which the TNRCC approved a minor amendment of Permit No. MSW-2185 which reduced the acreage by 4.1 acres on 4/17/1995.
- 5. The Carverdale Rights of Way are not listed on Page 7 under Easements to be Abandoned but are identified in Figure 1-A-5 as Easements to be Abandoned, for sake of argument. See Marine Attractions v. City, 224 So. 2d 337, 338 (Fla. Dist. Ct. App. 1969) ("See Rathkopf, Zoning and Planning, cc. 23, 59. Affirmed. LILES, C.J., and PIERCE, J., concur.")
- 6. The permit boundary includes a 10.2-acre closed landfill in the Center Block Permit Number 1135 a discrepancy that exceeds PAA applicability because adding a closed landfill to the permit boundary of an active landfill constitutes waste disposal activity which requires a New Permit.
- 7. The permit boundary includes a 12.9-acre landfill in the East Block that started 11/23/1981 and ended 3/24/1982 Permit No. MSW#1448 which constitutes a discrepancy that needs to be corrected or waste disposal activity at a closed landfill site which requires a New Permit.
- 8. As the name change from Hawthorn Park Landfill (HPL) to Hawthorn Park Recycling and Disposal Facility suggests HPL has little or no disposal capacity remaining, and Waste Management applied to install a Disposal Facility aka a Mountain of Trash on top of existing landfill waste to avoid closure even though it could result in the disturbance of the final cover and risk ground water contamination.
- 9. The existing Landfill Detention Pond is situated in the Commercial Reserve even though the Commercial Reserve is the only land is Carverdale large enough for economic development and educational infrastructure and is located outside of the boundary of the existing landfill.

- 10. The PAA lacks transparency in determining viability of design for safety of Carverdale residents because the Applicant proposes to install a Disposal Facility comprised of construction debris over existing landfill waste, instead of below ground in raw earth material. And the Applicant fails to perform protective testing for humans and the environment.
- 11. Based on a July 1, 2021 Fox 26 Houston Article by Damali Keith at the following link:

 https://www.fox26houston.com/news/residents-vs-waste-management-as-the-company-plans-to-expand-a-landfill "...HPL is permitted to accept asbestos-containing material..." However, in its
 03/21/2021 response to TCEQ, Item 11, Form 3 of 11, page 36 of 61, the applicant checked "Not Applicable" in reference to Hazardous Waste Management Program under the Texas Solid Waste Disposal Act. Accordingly, and based on deficiencies in the PAA equipment list, the applicant intends to operate a disposal facility and manage hazardous waste without a hazardous waste permit and without following TCEQ rules, especially regarding construction quality assurance (CQA); preparedness and prevention; and contingency plan and emergency procedures.
- 12. Since a Disposal Facility is an entirely different type of operation than a landfill it makes sense that permitting standards should require an entirely new permit--not an amendment or PAA.
- 13. The TCEQ prepared the "Draft Permit" to allow the Applicant to forego standard permitting processes; to avoid applying for a New Permit; to secure a New Permit; to grandfather the existing landfill; and to avoid scheduled closure. However, to allow the existing landfill to avoid scheduled closure would violate Fourteenth Amendment Rights to Procedural Due Process. And providing undue permitting advantages violates Equal Protection.
- 14. In contrast the TCEQ placed strict demands on the residents of Carverdale requiring them to prepare a proper Request for a Contested Case Hearing and prosecute a successful case against USA Waste of Texas Landfills, Inc. (aka Waste Management) in a "legal proceeding similar to a civil trial in a state district court." However, imposing insurmountable requirements on low-income residents while providing undue permitting advantages to the Applicant and extending the life of the existing landfill would violate Fourteenth Amendment Rights to Equal Protection and exponentially decrease the ability of Carverdale residents to live work and learn in a healthy environment foremost and more so than residents in any other neighborhood in violation of Fifth Amendment unalienable rights.
- 15. Carverdale landowners and residents have experienced emotional distress and depression and anxiety due to the existing landfill and continue to experience emotional distress and depression and anxiety due to Permit 2185A for a myriad of reasons including: a) the facility would continue to promote deliberate disinvestment, rising property taxes, gentrification, and displacement; b) it would continue to worsen health conditions especially asthma and other respiratory conditions; c) it would continue to cause untold cancer deaths; d) it would continue to lower property values; e) it would be exponentially more dangerous and more unsafe than a below ground landfill; f) it would continue to project a negative image on private citizens in Carverdale.; g) the neighborhood would could to fail to thrive.

- 16. It appears that all the other landfills in Houston, Harris County, Texas are located on the outskirts of neighborhood, however, the existing Landfill is located inside the boundary of Carverdale a residential deed-restricted subdivision.
- 17. The existing landfill has harmed the Carverdale neighborhood for more than 30 years. And recently, the Carverdale neighborhood was blindsided by the sale of the Carverdale Rights of Way by the City of Houston to USA Waste of Texas Landfills, Inc., without which the proposed landfill expansion under TCEQ Permit No. MSW-2185A would not be possible. Prior to this breach, the Carverdale Rights of Way (Clara, Crawford, Olga, Dancy and Triway) divided the West, Center, and East Blocks of the Landfill which prevented it from connecting and expanding into the Disposal Facility or Mountain of Trash proposed in MSW-2185A. Carverdale residents are requesting Elected Officials, ET AL, to investigate whether the Carverdale Rights of Way Sale was conducted in violation of 14th Amendment Rights to Procedural Due Process so the Carverdale Rights of Way Sale may be voided.

The Carverdale neighborhood has experienced a long history of racial and environmental injustice on the part of the City, County, State, and Federal Institutions, including the Cypress Fairbanks Independent School District (CFISD) and Lone Star College, ET AL, from closing the Carverdale School in the only Black neighborhood in the CFISD; to violating deed restrictions and blindsiding the installing of the existing landfill on the only land in Carverdale large enough for economic development and educational infrastructure; from removing the ability of the neighborhood to thrive; to blindsiding the sale of the Rights-of Way and conspiring with the Applicant to expand the existing landfill. All, to promote economic development and infrastructure and home building elsewhere in the CFISD by making sure that White students do not have to get schooling in Carverdale, in violation of 14th Amendment Rights to Due Process, including Procedural Due Process, and Equal Protection and 5th Amendment Inalienable Rights. The Carverdale neighborhood wants the existing Landfill to be closed and the Landfill Expansion Permit Number MSW-2185A to be denied so present and future generations may live work and learn in a healthy environment.

Respectfully,

Myra Jefferson

Revitalize America Partnership

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Monday, April 18, 2022 11:43 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

FedEx Scan 2022-04-18_09-51-432.pdf

MSW 123200

Н

From: myraajefferson@gmail.com <myraajefferson@gmail.com>

Sent: Monday, April 18, 2022 10:55 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Myra Wrenn Jefferson

EMAIL: myraajefferson@gmail.com

COMPANY: Revitalize America Partnership, Inc.

ADDRESS: 17518 WAVERLY GROVE DR

HOUSTON TX 77084-6322

PHONE: 2813890237

FAX:

COMMENTS: See attached Request for Contested Case Hearing TCEQ Permit No. 2185A

Delivered by email to: laurie.gharis@tceq.texas.gov

And electronically at: <www14.tceq.texas.gov/epic/eComment/>

April 18, 2022

Ms. Laurie Gharis Chief Clerk Texas Commission on Environmental Quality MC-105 P. O. Box 13087 Austin, Texas 78711-3087

Subject: Hawthorn Park Recycling and Disposal Facility Pending Municipal Solid Waste Permit

Amendment No. MSW-2185A

Dear Ms. Gharis:

Thank you for granting us an opportunity to request a Contested Case Hearing and please allow this letter to serve as notice that "We Request a Contested Case Hearing" pursuant to all applicable rules and regulations of the Texas Commission on Environmental Quality, because we do not believe that Permit Number MSW-2185A is permissible in fact or in law. Revitalize America Partnership, Inc. is a Charitable 501 (C)(3) Organization of which Myra Jefferson is a director and we conduct activities within one mile to where the facility is located. Myra Jefferson is a landowner in Carverdale at 5417 Gessner Road, Houston, Texas 77041, and the designated representative for receiving future correspondence regarding this matter at: Revitalize America Partnership, Inc., 17518 Waverly Grove Dr, Houston, Texas 77084, 281-389-0237. Revitalize America Partnership, Inc. meets all four of the following requirements:

- 1. Comments on the application are timely submitted.
- Individual members of the group adversely affected by the facility, including Gregory Maurice Hudson, 10222 Morocco Rd, Houston, Texas 77041, 713-849-1988, are landowners in Carverdale or within one mile distance to where the Hawthorn Park Recycling and Disposal Facility is located or would otherwise have standing to request a hearing.
- 3. The interests that Revitalize America Partnership, Inc. seeks to protect are germane to the organization's charitable purpose.
- 4. Neither the claim asserted, nor the relief requested requires the participation of the individual members in the case.

ISSUES RAISED:

- 1. The Applicant is attempting to add newly purchased land or the Carverdale Rights of Way to the existing landfill via this PAA, Permit Number MSW-2185A; however, the request exceeds PAA applicability; rather, the Applicant must apply for a New Permit because the newly purchased land or the Carverdale Rights of Way are not part of Permit No. MSW-2185, have never been part of a landfill and have never been permitted as either waste disposal area or non-waste disposal area, were owned by the City of Houston prior to this PAA, carry legal descriptions, and are new land.
- 2. The Applicant is counting the newly purchased land or the Carverdale Rights of Way in the total permit boundary of 210.20 acres but only accounts for 171.6 acres, because the size of the Center Block is not disclosed but if disclosed would include the measurements of the newly purchased land or the Carverdale Rights of Way, which cannot be legally added via this PAA but if approved would be connected.
- 3. Because the amended size of the Center Block is not disclosed, and the size and legal descriptions of the newly purchased land or the Carverdale Rights of Way are not disclosed, the PAA is administratively incomplete; nonetheless, the TCEQ has submitted a Draft Permit.
- 4. The Applicant purposely excluded the size of the Center Block and the size of the newly purchased land or the Carverdale Rights of Way to avoid disclosing the land for which the TNRCC approved a minor amendment of Permit No. MSW-2185 which reduced the acreage by 4.1 acres on 4/17/1995.
- 5. The Carverdale Rights of Way are not listed on Page 7 under Easements to be Abandoned but are identified in Figure 1-A-5 as Easements to be Abandoned, for sake of argument. See Marine Attractions v. City, 224 So. 2d 337, 338 (Fla. Dist. Ct. App. 1969) ("See Rathkopf, Zoning and Planning, cc. 23, 59. Affirmed. LILES, C.J., and PIERCE, J., concur.")
- 6. The permit boundary includes a 10.2-acre closed landfill in the Center Block Permit Number 1135 a discrepancy that exceeds PAA applicability because adding a closed landfill to the permit boundary of an active landfill constitutes waste disposal activity which requires a New Permit.
- 7. The permit boundary includes a 12.9-acre landfill in the East Block that started 11/23/1981 and ended 3/24/1982 Permit No. MSW#1448 which constitutes a discrepancy that needs to be corrected or waste disposal activity at a closed landfill site which requires a New Permit.
- 8. As the name change from Hawthorn Park Landfill (HPL) to Hawthorn Park Recycling and Disposal Facility suggests HPL has little or no disposal capacity remaining, and Waste Management applied to install a Disposal Facility aka a Mountain of Trash on top of existing landfill waste to avoid closure even though it could result in the disturbance of the final cover and risk ground water contamination.
- 9. The existing Landfill Detention Pond is situated in the Commercial Reserve even though the Commercial Reserve is the only land is Carverdale large enough for economic development and educational infrastructure and is located outside of the boundary of the existing landfill.

- 10. The PAA lacks transparency in determining viability of design for safety of Carverdale residents because the Applicant proposes to install a Disposal Facility comprised of construction debris over existing landfill waste, instead of below ground in raw earth material. And the Applicant fails to perform protective testing for humans and the environment.
- 11. Based on a July 1, 2021 Fox 26 Houston Article by Damali Keith at the following link: <a href="https://www.fox26houston.com/news/residents-vs-waste-management-as-the-company-plans-to-expand-a-landfill"...HPL is permitted to accept asbestos-containing material..." However, in its 03/21/2021 response to TCEQ, Item 11, Form 3 of 11, page 36 of 61, the applicant checked "Not Applicable" in reference to Hazardous Waste Management Program under the Texas Solid Waste Disposal Act. Accordingly, and based on deficiencies in the PAA equipment list, the applicant intends to operate a disposal facility and manage hazardous waste without a hazardous waste permit and without following TCEQ rules, especially regarding construction quality assurance (CQA); preparedness and prevention; and contingency plan and emergency procedures.
- 12. Since a Disposal Facility is an entirely different type of operation than a landfill it makes sense that permitting standards should require an entirely new permit--not an amendment or PAA.
- 13. The TCEQ prepared the "Draft Permit" to allow the Applicant to forego standard permitting processes; to avoid applying for a New Permit; to secure a New Permit; to grandfather the existing landfill; and to avoid scheduled closure. However, to allow the existing landfill to avoid scheduled closure would violate Fourteenth Amendment Rights to Procedural Due Process. And providing undue permitting advantages violates Equal Protection.
- 14. In contrast the TCEQ placed strict demands on the residents of Carverdale requiring them to prepare a proper Request for a Contested Case Hearing and prosecute a successful case against USA Waste of Texas Landfills, Inc. (aka Waste Management) in a "legal proceeding similar to a civil trial in a state district court." However, imposing insurmountable requirements on low-income residents while providing undue permitting advantages to the Applicant and extending the life of the existing landfill would violate Fourteenth Amendment Rights to Equal Protection and exponentially decrease the ability of Carverdale residents to live work and learn in a healthy environment foremost and more so than residents in any other neighborhood in violation of Fifth Amendment unalienable rights.
- 15. Carverdale landowners and residents have experienced emotional distress and depression and anxiety due to the existing landfill and continue to experience emotional distress and depression and anxiety due to Permit 2185A for a myriad of reasons including: a) the facility would continue to promote deliberate disinvestment, rising property taxes, gentrification, and displacement; b) it would continue to worsen health conditions especially asthma and other respiratory conditions; c) it would continue to cause untold cancer deaths; d) it would continue to lower property values; e) it would be exponentially more dangerous and more unsafe than a below ground landfill; f) it would continue to project a negative image on private citizens in Carverdale.; g) the neighborhood would could to fail to thrive.

- 16. It appears that all the other landfills in Houston, Harris County, Texas are located on the outskirts of neighborhood, however, the existing Landfill is located inside the boundary of Carverdale a residential deed-restricted subdivision.
- 17. The existing landfill has harmed the Carverdale neighborhood for more than 30 years. And recently, the Carverdale neighborhood was blindsided by the sale of the Carverdale Rights of Way by the City of Houston to USA Waste of Texas Landfills, Inc., without which the proposed landfill expansion under TCEQ Permit No. MSW-2185A would not be possible. Prior to this breach, the Carverdale Rights of Way (Clara, Crawford, Olga, Dancy and Triway) divided the West, Center, and East Blocks of the Landfill which prevented it from connecting and expanding into the Disposal Facility or Mountain of Trash proposed in MSW-2185A. Carverdale residents are requesting Elected Officials, ET AL, to investigate whether the Carverdale Rights of Way Sale was conducted in violation of 14th Amendment Rights to Procedural Due Process so the Carverdale Rights of Way Sale may be voided.

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Respectfully,

Myra Jefferson

Revitalize America Partnership

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Friday, April 8, 2022 10:15 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: TCEQ Permit Number MSW-2185A

Attachments:

FedEx Scan 2022-04-07_13-53-35.pdf

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From: Laurie Gharis < Laurie. Gharis@tceq.texas.gov>

Sent: Thursday, April 7, 2022 2:43 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: FW: TCEQ Permit Number MSW-2185A

Laurie Gharis
Office of the Chief Clerk

Texas Commission on Environmental Quality

Office Phone: 512-239-1835 Cell Phone: 512-739-4582

How is our customer service? Fill out our online customer satisfaction survey at:

www.tceq.texas.gov/customersurvey

From: Myra Jefferson < myraajefferson@gmail.com >

Sent: Thursday, April 7, 2022 2:32 PM

To: Laurie Gharis < Laurie. Gharis@tceq.texas.gov > Subject: TCEQ Permit Number MSW-2185A

See attached Request for a Contested Case Hearing.

Delivered by email to: laurie.gharis@tceq.texas.gov And electronically at: www14.tceq.texas.gov/epic/eComment/

April 7, 2022

Ms. Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
MC-105
P. O. Box 13087
Austin, Texas 78711-3087

Subject: Hawthorn Park Recycling and Disposal Facility Pending Municipal Solid Waste Permit Amendment #2185A

Dear Ms. Gharis:

Thank you for granting us an opportunity to request a Contested Case Hearing and please allow this letter to serve as notice that "We Request a Contested Case Hearing" pursuant to all applicable rules and regulations of the Texas Commission on Environmental Quality, because we do not believe That Permit Number MSW-2185A is permissible in fact or in law. Revitalize America Partnership, Inc. is a Charitable 501 (C)(3) Organization of which Myra Jefferson is a director and we conduct activities within one mile to where the facility is located. Myra Jefferson is a landowner in Carverdale at 5417 Gessner Road, Houston, Texas 77041, and the designated representative for receiving future correspondence regarding this matter at: Revitalize America Partnership, Inc., 17518 Waverly Grove Dr, Houston, Texas 77084, 281-389-0237. Revitalize America Partnership, Inc. meets all four of the following requirements:

- 1. Comments on the application are timely submitted.
- 2. Individual members of the group adversely affected by the facility, including Gregory Maurice Hudson, 10222 Morocco Rd, Houston, Texas 77041, 713-849-1988, are landowners in Carverdale or within one mile distance to where the Hawthorn Park Recycling and Disposal Facility is located or would otherwise have standing to request a hearing.
- 3. The interests that Revitalize America Partnership, Inc. seeks to protect are germane to the organization's charitable purpose.
- 4. Neither the claim asserted, nor the relief requested requires the participation of the individual members in the case.

ISSUES RAISED:

- 1. More than 30 years ago, Carverdale residents were blindsided by the installation of the existing landfill on Tanner Road which extends from Dancy Road to Triway Lane. It violated the deed restrictions and removed the neighborhood's ability to thrive. The Commercial Reserve, located from Triway Lane to Gessner Road between Tanner Road and Olga Street, is the only land in Carverdale large enough for economic development and educational infrastructure. Until recently, the property that the landfill occupies contained five streets or right of way namely Dancy Road, Crawford Road, Clara Road, Triway Lane and Olga Street, three of which Dancy Road, Crawford Road, and Clara Road divided the West, Center, and East Blocks of the existing Landfill and prevented it from connecting.
- 2. After 2016, portions of Dancy Road, Crawford Road, and Clara Road were released by The City of Houston and purchased by USA Waste of Texas Landfills, Inc., so that the existing West, Center, and East Blocks could be connected under Permit No. MSW-2185A, increasing the landfill's ability to expand into a Disposal Facility or Mountain of Trash. All, without notice to the residents of Carverdale and to avoid the scheduled closure of the existing landfill, Permit Number MSW-2185.
- 3. Permit Number 2185A consists of 210.20-acres, which includes a 10.2 acre closed landfill, Permit Number 1135, that reportedly closed on 01/25/1996 but allegedly completed its post closure care maintenance four years on May 1, 2000, and is currently leased to Living Earth Technology (LETCO) and has a mountain of mulch on top of it.
- 4. The existing Landfill Detention Pond is situated in the Commercial Reserve, even though the Commercial Reserve is located outside of the boundary of the existing landfill.
- 5. The PAA lacks transparency in determining viability of design for safety of Carverdale residents because the Applicant proposes to erect a Disposal Facility comprised of construction debris over existing landfill waste, instead of below ground in raw earth material. And the Applicant fails to perform protective testing for humans and the environment.
- 6. Based on the July 1, 2021 Fox 26 Houston Article by Damali Keith at the following link: <a href="https://www.fox26houston.com/news/residents-vs-waste-management-as-the-company-plans-to-expand-a-landfill"....HPL is permitted to accept asbestos-containing material..." However, in its 03/21/2021 response to TCEQ, Item 11, Form 3 of 11, page 36 of 61, the applicant checked "Not Applicable" in reference to Hazardous Waste Management Program under the Texas Solid Waste Disposal Act. Accordingly, and based on deficiencies in the PAA equipment list, the applicant intends to operate a disposal facility and manage hazardous waste without a hazardous waste permit and without following TCEQ rules, especially regarding construction quality assurance (CQA); preparedness and prevention; and contingency plan and emergency procedures.
- 7. Since a Disposal Facility is an entirely different type of operation than a landfill it makes sense that permitting standards should require an entirely new permit-not an amendment/PAA.

Revitalize America Partnership, Inc. 17518 Waverly Grove Drive, Houston, Texas 77084 Email: contact@revitalizeamerica.net Phone: 713-466-6200 Fax: 800-773-1218 Website: RevitalizeAmerica.net

- 8. According to the "Notice of Application and Preliminary Decision for Municipal Solid Waste Permit Amendment Proposed Permit No. 2185A", the TCEQ Executive Director prepared a "Draft Permit" for the applicant which "if approved" would extend the life of the existing landfill 40+ more years in the future in the Carverdale neighborhood by installing a Disposal Facility on top of existing landfill waste. It appears, the TCEQ prepared the "Draft Permit" to forego standard permitting processes or grandfather the existing landfill for the applicant. However, to allow the existing landfill to avoid scheduled closure would violate Fourteenth Amendment Rights to Due Process. Likewise, preparing the "Draft Permit" for the applicant and providing undue permitting advantages violates Equal Protection.
- 9. In contrast, the TCEQ placed strict demands on the residents of Carverdale, requiring them to prepare a proper Request for a Contested Case Hearing and prosecute a successful case against USA Waste of Texas Landfills, Inc. (aka Waste Management) in a "legal proceeding similar to a civil trial in a state district court." Imposing insurmountable requirements on low-income residents while freely (or otherwise) providing "Draft Permits" and undue permitting advantages to the Applicant, and extending the life of the existing landfill, violates Fourteenth Amendment Rights to Equal Protection. and exponentially increases the risk of adverse impact on property values and health issues and quality of life, in violation of Fifth Amendment Rights to the Pursuit of Happiness or unalienable rights of the residents of Carverdale, foremost and more so than residents in any other neighborhood.
- 10. Carverdale landowners have experienced emotional distress and depression and anxiety due to the existing facility and continue to experience emotional distress and depression and anxiety due to Permit 2185A for a myriad of reasons, including: a) the facility would continue to promote deliberate disinvestment, rising property taxes, gentrification, and displacement; b) it would continue to worsen health conditions, especially asthma and other respiratory conditions; c) it would continue to cause untold cancer deaths; d) it would continue to lower property values; e) it would be exponentially more dangerous and more unsafe than a below ground landfill; f) it would continue to project a negative image on private citizens in Carverdale.; g) the neighborhood would could to fail to thrive.
- 11. Installing a Disposal facility on top of Existing Landfill Waste, in the Carverdale Subdivision, would set a harmful precedent, and lead the way to installing permanent mountains of trash in other low-income minority Black and Brown neighborhoods throughout Houston, Harris County, Texas.
- 12. Carverdale has experienced a long history of racial and environmental injustice on the part of City, County, State, and Federal Institutions, including the Cy-Fair I.S.D. and Lonestar College, ET AL; from allowing the closure of the Carverdale School, to approving the installation of the existing landfill, from failing to enforce deed restrictions, to the lack of economic development and educational infrastructure, from conspiring with the Applicant to expand the existing Landfill, to removing Carverdale's ability to thrive. All, knowingly and intentionally to promote economic development and infrastructure and home building elsewhere in the Cy-Fair I.S.D by making sure that White Students do not have to get schooling in Carverdale, a low-income Black Neighborhood in the CFISD.

In conclusion, as enumerated herein, we do not believe that TCEQ Permit Number MSW-2185A is permissible in fact or in law; and we pray that you will act favorably on this Request for a Contested Case Hearing; close the existing landfill; and designate it a brownfield so it may be repurposed as a solar farm for present and future generations in the Carverdale neighborhood.

Respectfully submitted,

Myra (Wrenn) Jefferson

Revitalize America Partnership

Robert J. Huston, Chairman R. B. "Ralph" Marquez, Commissioner John M. Baker, Commissioner Jeffrey A. Sattas, Executive Director



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

May 1, 2000

SANIFILL OF TEXAS, INC PO BOX 803828 HOUSTON, TEXAS 77280

Subject: Completion of Post-Closure Care Period and Permit Expiration, Permit No. 01135

Dear Landfill Permittee:

A recent research of the Texas Natural Resource Conservation Commission (TNRCC), Municipal Solid Waste central records reveal the subject municipal solid waste (MSW) facility has completed the post-closure care maintenance requirements established by rules in effect during the operational life of this site. Therefore, this site is eligible to exit the post-closure care maintenance period.

As this site has satisfied all post-closure care maintenance requirements, the permit for this facility has now expired by its own terms. No additional waste disposal activities may be conducted at this site unless they are authorized by a new MSW permit.

Your cooperation in maintaining this closed site is greatly appreciated. Any future maintenance problems that arise are the Permittee's responsibility to correct as soon as practical.

If you have any questions concerning this matter, please contact the Municipal Solid Waste Permits Section at 512/239-6724.

Sincerely,

Dorca Zaragota-Storie, Manager

MSW Permits Section Waste Permits Division

DZS/Ics

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Friday, April 8, 2022 10:12 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

FedEx Scan 2022-04-07_13-53-35.pdf

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From: myraajefferson@gmail.com <myraajefferson@gmail.com>

Sent: Thursday, April 7, 2022 2:28 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Myra Wrenn Jefferson

EMAIL: myraajefferson@gmail.com

COMPANY: Revitalize America Partnership, Inc.

ADDRESS: 17518 WAVERLY GROVE DR

HOUSTON TX 77084-6322

PHONE: 2813890237

FAX:

COMMENTS: See attached Request for Contested Case Hearing

Delivered by email to: laurie.gharis@tceq.texas.gov
And electronically at: www14.tceq.texas.gov/epic/eComment/

April 7, 2022

Ms. Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
MC-105
P. O. Box 13087
Austin, Texas 78711-3087

Subject: Hawthorn Park Recycling and Disposal Facility Pending Municipal Solid Waste Permit
Amendment #2185A

Dear Ms. Gharis:

Thank you for granting us an opportunity to request a Contested Case Hearing and please allow this letter to serve as notice that "We Request a Contested Case Hearing" pursuant to all applicable rules and regulations of the Texas Commission on Environmental Quality, because we do not believe That Permit Number MSW-2185A is permissible in fact or in law. Revitalize America Partnership, Inc. is a Charitable 501 (C)(3) Organization of which Myra Jefferson is a director and we conduct activities within one mile to where the facility is located. Myra Jefferson is a landowner in Carverdale at 5417 Gessner Road, Houston, Texas 77041, and the designated representative for receiving future correspondence regarding this matter at: Revitalize America Partnership, Inc., 17518 Waverly Grove Dr, Houston, Texas 77084, 281-389-0237. Revitalize America Partnership, Inc. meets all four of the following requirements:

- Comments on the application are timely submitted.
- Individual members of the group adversely affected by the facility, including Gregory Maurice
 Hudson, 10222 Morocco Rd, Houston, Texas 77041, 713-849-1988, are landowners in Carverdale or
 within one mile distance to where the Hawthorn Park Recycling and Disposal Facility is located or
 would otherwise have standing to request a hearing.
- 3. The interests that Revitalize America Partnership, Inc. seeks to protect are germane to the organization's charitable purpose.
- 4. Neither the claim asserted, nor the relief requested requires the participation of the individual members in the case.

ISSUES RAISED:

- 1. More than 30 years ago, Carverdale residents were blindsided by the installation of the existing landfill on Tanner Road which extends from Dancy Road to Triway Lane. It violated the deed restrictions and removed the neighborhood's ability to thrive. The Commercial Reserve, located from Triway Lane to Gessner Road between Tanner Road and Olga Street, is the only land in Carverdale large enough for economic development and educational infrastructure. Until recently, the property that the landfill occupies contained five streets or right of way namely Dancy Road, Crawford Road, Clara Road, Triway Lane and Olga Street, three of which Dancy Road, Crawford Road, and Clara Road divided the West, Center, and East Blocks of the existing Landfill and prevented it from connecting.
- After 2016, portions of Dancy Road, Crawford Road, and Clara Road were released by The City of Houston and purchased by USA Waste of Texas Landfills, Inc., so that the existing West, Center, and East Blocks could be connected under Permit No. MSW-2185A, increasing the landfill's ability to expand into a Disposal Facility or Mountain of Trash. All, without notice to the residents of Carverdale and to avoid the scheduled closure of the existing landfill, Permit Number MSW-2185.
- 3. Permit Number 2185A consists of 210.20-acres, which includes a 10.2 acre closed landfill, Permit Number 1135, that reportedly closed on 01/25/1996 but allegedly completed its post closure care maintenance four years on May 1, 2000, and is currently leased to Living Earth Technology (LETCO) and has a mountain of mulch on top of it.
- 4. The existing Landfill Detention Pond is situated in the Commercial Reserve, even though the Commercial Reserve is located outside of the boundary of the existing landfill.
- 5. The PAA lacks transparency in determining viability of design for safety of Carverdale residents because the Applicant proposes to erect a Disposal Facility comprised of construction debris over existing landfill waste, instead of below ground in raw earth material. And the Applicant fails to perform protective testing for humans and the environment.
- 6. Based on the July 1, 2021 Fox 26 Houston Article by Damali Keith at the following link: <a href="https://www.fox26houston.com/news/residents-vs-waste-management-as-the-company-plans-to-expand-a-landfill"...HPL is permitted to accept asbestos-containing material..." However, in its 03/21/2021 response to TCEQ, Item 11, Form 3 of 11, page 36 of 61, the applicant checked "Not Applicable" in reference to Hazardous Waste Management Program under the Texas Solid Waste Disposal Act. Accordingly, and based on deficiencies in the PAA equipment list, the applicant intends to operate a disposal facility and manage hazardous waste without a hazardous waste permit and without following TCEQ rules, especially regarding construction quality assurance (CQA); preparedness and prevention; and contingency plan and emergency procedures.</p>
- 7. Since a Disposal Facility is an entirely different type of operation than a landfill it makes sense that permitting standards should require an entirely new permit--not an amendment/PAA.

Revitalize America Partnership, Inc. 17518 Waverly Grove Drive, Houston, Texas 77084 Email: contact@revitalizeamerica.net Phone: 713-466-6200 Fax: 800-773-1218 Website: RevitalizeAmerica.net

- 8. According to the "Notice of Application and Preliminary Decision for Municipal Solid Waste Permit Amendment Proposed Permit No. 2185A", the TCEQ Executive Director prepared a "Draft Permit" for the applicant which "if approved" would extend the life of the existing landfill 40+ more years in the future in the Carverdale neighborhood by installing a Disposal Facility on top of existing landfill waste. It appears, the TCEQ prepared the "Draft Permit" to forego standard permitting processes or grandfather the existing landfill for the applicant. However, to allow the existing landfill to avoid scheduled closure would violate Fourteenth Amendment Rights to Due Process. Likewise, preparing the "Draft Permit" for the applicant and providing undue permitting advantages violates Equal Protection.
- 9. In contrast, the TCEQ placed strict demands on the residents of Carverdale, requiring them to prepare a proper Request for a Contested Case Hearing and prosecute a successful case against USA Waste of Texas Landfills, Inc. (aka Waste Management) in a "legal proceeding similar to a civil trial in a state district court." Imposing insurmountable requirements on low-income residents while freely (or otherwise) providing "Draft Permits" and undue permitting advantages to the Applicant, and extending the life of the existing landfill, violates Fourteenth Amendment Rights to Equal Protection. and exponentially increases the risk of adverse impact on property values and health issues and quality of life, in violation of Fifth Amendment Rights to the Pursuit of Happiness or unalienable rights of the residents of Carverdale, foremost and more so than residents in any other neighborhood.
- 10. Carverdale landowners have experienced emotional distress and depression and anxiety due to the existing facility and continue to experience emotional distress and depression and anxiety due to Permit 2185A for a myriad of reasons, including: a) the facility would continue to promote deliberate disinvestment, rising property taxes, gentrification, and displacement; b) it would continue to worsen health conditions, especially asthma and other respiratory conditions; c) it would continue to cause untold cancer deaths; d) it would continue to lower property values; e) it would be exponentially more dangerous and more unsafe than a below ground landfill; f) it would continue to project a negative image on private citizens in Carverdale.; g) the neighborhood would could to fail to thrive.
- 11. Installing a Disposal facility on top of Existing Landfill Waste, in the Carverdale Subdivision, would set a harmful precedent, and lead the way to installing permanent mountains of trash in other low-income minority Black and Brown neighborhoods throughout Houston, Harris County, Texas.
- 12. Carverdale has experienced a long history of racial and environmental injustice on the part of City, County, State, and Federal Institutions, including the Cy-Fair I.S.D. and Lonestar College, ET AL; from allowing the closure of the Carverdale School, to approving the installation of the existing landfill, from failing to enforce deed restrictions, to the lack of economic development and educational infrastructure, from conspiring with the Applicant to expand the existing Landfill, to removing Carverdale's ability to thrive. All, knowingly and intentionally to promote economic development and infrastructure and home building elsewhere in the Cy-Fair I.S.D by making sure that White Students do not have to get schooling in Carverdale, a low-income Black Neighborhood in the CFISD.

In conclusion, as enumerated herein, we do not believe that TCEQ Permit Number MSW-2185A is permissible in fact or in law; and we pray that you will act favorably on this Request for a Contested Case Hearing; close the existing landfill; and designate it a brownfield so it may be repurposed as a solar farm for present and future generations in the Carverdale neighborhood.

Respectfully submitted,

MW(Q (WL) Jyhh OM
Myra (Wrenn) Jefferson

Revitalize America Partnership

Robert J. Huston, Chairman R. B. "Ralph" Marquez, Commissioner John M. Baker, Commissioner Jeffrey A. Sattas, Executive Director



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

May 1, 2000

SANIFILL OF TEXAS, INC PO BOX 803828 HOUSTON, TEXAS 77280

Subject: Completion of Post-Closure Care Period and Permit Expiration, Permit No. 01135

Dear Landfill Permittee:

A recent research of the Texas Natural Resource Conservation Commission (TNRCC), Municipal Solid Waste central records reveal the subject municipal solid waste (MSW) facility has completed the post-closure care maintenance requirements established by rules in effect during the operational life of this site. Therefore, this site is eligible to exit the post-closure care maintenance period.

As this site has satisfied all post-closure care maintenance requirements, the permit for this facility has now expired by its own terms. No additional waste disposal activities may be conducted at this site unless they are authorized by a new MSW permit.

Your cooperation in maintaining this closed site is greatly appreciated. Any future maintenance problems that arise are the Permittee's responsibility to correct as soon as practical.

If you have any questions concerning this matter, please contact the Municipal Solid Waste Permits Section at 512/239-6724.

Sincerely,

Dorca Zaragora-Stone, Manager

MSW Permits Section Waste Permits Division

DZS/lcs

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Monday, March 7, 2022 10:16 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Request for a Contested Case Hearing on Pending Permit No. 2185A, Hawthorn

Park Recycling and Disposal Facility

Attachments:

FedExScan2022-03-06-7-36-40.pdf

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From: Laurie Gharis < Laurie. Gharis@tceq.texas.gov>

Sent: Monday, March 7, 2022 8:46 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: FW: Request for a Contested Case Hearing on Pending Permit No. 2185A, Hawthorn Park Recycling and Disposal

Facility

Laurie Gharis
Office of the Chief Clerk

Texas Commission on Environmental Quality

Office Phone: 512-239-1835 Cell Phone: 512-739-4582

How is our customer service? Fill out our online customer satisfaction survey at:

www.tceq.texas.gov/customersurvey

From: Myra Jefferson < myraajefferson@gmail.com >

Sent: Sunday, March 6, 2022 6:30 PM

To: Laurie Gharis < <u>Laurie.Gharis@tceq.texas.gov</u>> **Cc:** Myra Jefferson < <u>myraajefferson@gmail.com</u>>

Subject: Request for a Contested Case Hearing on Pending Permit No. 2185A, Hawthorn Park Recycling and Disposal

Facility

Dear Ms. Gharis, Chief Clerk

The attached Hearing Request was also submitted electronically at: www14.tceq.texas.gov/epic/eComment/ Thank you.

Myra Jefferson

Delivered by email to: laurie.gharis@tceq.texas.gov And electronically at: www14.tceq.texas.gov/epic/eComment/

March 5, 2022

Ms. Laurie Gharis Chief Clerk Texas Commission on Environmental Quality MC-105 P. O. Box 13087 Austin, Texas 78711-3087

Subject: Hawthorn Park Recycling and Disposal Facility Pending Municipal Solid Waste Permit

Amendment #2185A

Dear Ms. Gharis:

Thank you for granting us an opportunity to request a Contested Case Hearing and please allow this letter to serve as notice that "We Request a Contested Case Hearing" pursuant to all applicable rules and regulations of the Texas Commission on Environmental Quality, because we do not believe Permit No. 2185A is permissible in fact or in law. "We Request a Contested Case Hearing." Revitalize America Partnership, Inc. is a Charitable 501 (C)(3) Organization of which Myra Jefferson is a Board member and landowner in Carverdale at 5417 Gessner Road, Houston, Texas 77041 from which we conduct activities within one mile to where the facility is located. Myra Jefferson is the designated representative for receiving future correspondence regarding this matter at: Revitalize America Partnership, Inc., 17518 Waverly Grove Dr, Houston, Texas 77084, 281-389-0237. Revitalize America Partnership, Inc. meets all four of the following requirements:

- 1. Comments on the application are timely submitted.
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 Hudson, 10222 Morocco Rd, Houston, Texas 77041, 713-849-1988, are landowners in Carverdale or
 within one mile distance to where the Hawthorn Park Recycling and Disposal Facility is located or
 would otherwise have standing to request a hearing.
- 3. The interests that Revitalize America Partnership, Inc. seeks to protect are germane to the organization's charitable purpose.
- 4. Neither the claim asserted, nor the relief requested requires the participation of the individual members in the case.

ISSUES RAISED:

- 1. The PAA projects a total of 210.20-acres but only accounts for 171.6 acres, of which 10.2 acres includes the closed permit number 1135 and the PAA is silent regarding the 12.9 acres in MSW#1448, resulting in a 38.6-acre shortage. Accordingly, the site lacks sufficient acreage for a 38.6-acre expansion.
- 2. Despite closure requirements for landfills, the existing facility has been active for more than four decades, has reached full capacity, fails to conduct protective testing for human health and the environment, has been dormant for more than five years and yet remains.
- 3. As the name change from Hawthorn Park Landfill (HPL) to Hawthorn Park Recycling and Disposal Facility suggests HPL has reached full capacity and Waste Management submitted the PAA (as a loophole) to avoid closure and extend the life of the facility by installing a disposal facility on top of existing landfill waste.
- 4. It makes sense that because a Disposal Facility is an entirely different type of operation than a landfill, permitting standards require a new permit--not an amendment. Likewise, because HPL has reached full capacity, landfill standards require closure.
- 5. The PAA seeks to install a disposal facility on top of the existing landfill waste, even though it could result in the disturbance of the final cover and risk groundwater contamination, in violation of TCEQ rules.
- 6. Based on the July 1, 2021 Fox 26 Houston Article by Damali Keith at the following link: <a href="https://www.fox26houston.com/news/residents-vs-waste-management-as-the-company-plans-to-expand-a-landfill"...HPL is permitted to accept asbestos-containing material..." However, in its 03/21/2021 response to TCEQ, Item 11, Form 3 of 11, page 36 of 61, the applicant checked "Not Applicable" in reference to Hazardous Waste Management Program under the Texas Solid Waste Disposal Act. Accordingly, and based on deficiencies in the PAA equipment list, the applicant intends to operate a disposal facility and manage hazardous waste without a hazardous waste permit and without following TCEQ rules, especially regarding construction quality assurance (CQA); preparedness and prevention; and contingency plan and emergency procedures.
- 7. The PAA contains neither a blueprint of the existing Permit Number 2185 nor a blueprint of 2185A for comparison.
- 8. The PAA lacks transparency in determining viability of design for safety of workers and residents because the Applicant proposes to install a Disposal Facility comprised of construction debris over existing landfill waste, instead of below ground in raw earth material.
- 9. According to the "Notice of Application and Preliminary Decision for Municipal Solid Waste Permit Amendment Proposed Permit No. 2185A", the TCEQ Executive Director has prepared a "Draft Permit" for the applicant which "if approved" would allow the Applicant to avoid closure and extend the life of the existing landfill 40+ more years in the future in the Carverdale Subdivision by installing Revitalize America Partnership, Inc.

17518 Waverly Grove Drive, Houston, Texas 77084 Email: contact@revitalizeamerica.net Phone: 713-466-6200 Fax: 800-773-1218 Website: RevitalizeAmerica.net

- a Disposal Facility on top of existing landfill waste. In other words, the TCEQ has prepared a "Draft Permit" to forego standard permitting processes and grandfather the existing landfill for the applicant to avoid closure. However, allowing the existing landfill to avoid closure violates the Fourteenth Amendment Right to Due Process. Likewise, preparing a "Draft Permit" for the applicant and providing undue permitting advantages violates Equal Protection.
- 10. While indulging the Applicant, the TCEQ places strict demands on the residents of Carverdale, requiring them to prepare a proper Request for a Contested Case Hearing and prosecute a successful case against USA Waste of Texas Landfills, Inc. (aka Waste Management) in a "legal proceeding similar to a civil trial in a state district court." The act of imposing insurmountable requirements on low-income residents while freely (or otherwise) providing a "Draft Permit" and undue permitting advantages to the Applicant, to avoid closure and extend the life of the existing landfill, not only violates The Fourteenth Amendment Right to Equal Protection but exponentially increases the risk of adverse impact on property values and health and quality of life, in violation of the Fifth Amendment Right to the Pursuit of Happiness or unalienable rights of the residents of Carverdale, foremost and more so than residents in any other neighborhood.
- 11. Carverdale landowners have experienced emotional distress, depression and anxiety due to the facility and continue to experience emotional distress, depression and anxiety due to Permit 2185A for a myriad of reasons including: a) they believe the facility would continue to promote deliberate disinvestment, rising property taxes, gentrification, and displacement; b) it would continue to worsen their health conditions, especially asthma and other respiratory conditions; c) it would continue to cause untold cancer deaths; d) it would continue to take its toll on the health of future generations; e) it would be exponentially more dangerous and more unsafe than a below ground landfill; f) it would continue to project a negative image on private citizens in Carverdale; and, g) it would continue to be a divisive source.
- 12. Installing a Disposal facility on top of Existing Landfill Waste, in the Carverdale Subdivision, to avoid closure and extend the life of the existing landfill, would set a Harmful Precedent, and lead the way to installing Permanent Mountainous Trash Heaps in other low-income minority Black and Brown neighborhoods throughout Houston, Harris County, Texas.

Carverdale has experienced a long history of neglect and injury on the part of City, County, State, and Federal Government Officials, including the Cy-Fair I.S.D., HCCS, and Lonestar College, ET AL; from allowing the closure of the Carverdale School, to approving the installation of the existing landfill, from failing to enforce deed restrictions, to the lack of economic development, infrastructure, and services. All, knowingly and intentionally to promote economic development and infrastructure and home building elsewhere in the Cy-Fair I.S.D by making sure that White Students do not have to get schooling in Carverdale, a low-income Black Neighborhood in the CFISD. Carverdale cried out for help, but Elected Officials withheld needed help.

In conclusion, as enumerated herein, we do not believe TCEQ Permit# 2185A is permissible in fact or in law; and we pray that you will act favorably on this Request for a Contested Case Hearing and close the existing landfill and designate it a brownfield, so it may be repurposed as a solar farm.

Revitalize America Partnership, Inc. 17518 Waverly Grove Drive, Houston, Texas 77084 Email: contact@revitalizeamerica.net Phone: 713-466-6200 Fax: 800-773-1218 Website: RevitalizeAmerica.net Respectfully submitted,

Myra (Wrenn) Jefferson

Revitalize America Partnership

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Monday, March 7, 2022 10:01 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

FedExScan2022-03-06-7-36-40.pdf

MSW 123200

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From: myraajefferson@gmail.com <myraajefferson@gmail.com>

Sent: Sunday, March 6, 2022 6:19 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Myra Wrenn Jefferson

E-MAIL: myraajefferson@gmail.com

COMPANY: Revitalize America Partnership, Inc.

ADDRESS: 17518 WAVERLY GROVE DR

HOUSTON TX 77084-6322

PHONE: 2813890237

FAX:

COMMENTS: See attached Request for a Contested Case Hearing on TCEQ Permit Number 2185A Hawthorn Park Recycling and Disposal Facility Pending

Delivered by email to: laurie.gharis@tceq.texas.gov And electronically at: www14.tceq.texas.gov/epic/eComment/

March 5, 2022

Ms. Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
MC-105
P. O. Box 13087
Austin, Texas 78711-3087

Subject: Hawthorn Park Recycling and Disposal Facility Pending Municipal Solid Waste Permit

Amendment #2185A

Dear Ms. Gharis:

Thank you for granting us an opportunity to request a Contested Case Hearing and please allow this letter to serve as notice that "We Request a Contested Case Hearing" pursuant to all applicable rules and regulations of the Texas Commission on Environmental Quality, because we do not believe Permit No. 2185A is permissible in fact or in law. "We Request a Contested Case Hearing." Revitalize America Partnership, Inc. is a Charitable 501 (C)(3) Organization of which Myra Jefferson is a Board member and landowner in Carverdale at 5417 Gessner Road, Houston, Texas 77041 from which we conduct activities within one mile to where the facility is located. Myra Jefferson is the designated representative for receiving future correspondence regarding this matter at: Revitalize America Partnership, Inc., 17518 Waverly Grove Dr, Houston, Texas 77084, 281-389-0237. Revitalize America Partnership, Inc. meets all four of the following requirements:

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- The PAA projects a total of 210.20-acres but only accounts for 171.6 acres, of which 10.2 acres
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 MSW#1448, resulting in a 38.6-acre shortage. Accordingly, the site lacks sufficient acreage for a
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Respectfully submitted,

Myra (Wrenn) Jefferson

Revitalize America Partnership

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Friday, March 4, 2022 2:00 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Hawthorn Park Recycling and Disposal Facility Pending Municipal Solid Waste

Amendment #2185A

Attachments:

FedExScan2022-03-04-09-28-57.pdf

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From: Laurie Gharis < Laurie. Gharis@tceq.texas.gov>

Sent: Friday, March 4, 2022 12:01 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: FW: Hawthorn Park Recycling and Disposal Facility Pending Municipal Solid Waste Amendment #2185A

Laurie Gharis
Office of the Chief Clerk

Texas Commission on Environmental Quality

Office Phone: 512-239-1835 Cell Phone: 512-739-4582

How is our customer service? Fill out our online customer satisfaction survey at:

www.tceq.texas.gov/customersurvey

From: Myra Jefferson < myraajefferson@gmail.com >

Sent: Friday, March 4, 2022 11:20 AM

To: Laurie Gharis < Laurie. Gharis@tceq.texas.gov>

Subject: Hawthorn Park Recycling and Disposal Facility Pending Municipal Solid Waste Amendment #2185A

Good Morning Ms. Gharis,

Thank you for allowing us an opportunity to submit a Request for a Contested Case Hearing at <www14.tceq.texas.gov/epic/eComments/> where I also found your email address. Attached is a copy of our Request for a Contested Case Hearing on TCEQ Pending Permit #2185A, for your perusal.

Have a wonderful day,

Myra Jefferson

Delivered by email to: laurie.gharis@tceq.texas.gov And electronically at www14.tceq.texas.gov/epic/eComment/

March 4, 2022

Ms. Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
MC-105
P. O. Box 13087
Austin, Texas 78711-3087

Subject: Hawthorn Park Recycling and Disposal Facility Pending Municipal Solid Waste Permit Amendment #2185A

Dear Ms. Gharis:

Thank you for granting us an opportunity to request a Contested Case Hearing and please allow this letter to serve as notice that "We Request a Contested Case Hearing" pursuant to all applicable rules and regulations of the Texas Commission on Environmental Quality. "We Request a Contested Case Hearing." Revitalize America Partnership, Inc. is a Charitable 501 (C)(3) Organization of which Myra Jefferson is a Board member and landowner in Carverdale at 5417 Gessner Road, Houston, Texas 77041 from which we conduct activities within one mile to where the facility is located. Myra Jefferson is the designated representative for receiving future correspondence regarding this matter at: Revitalize America Partnership, Inc., 17518 Waverly Grove Dr, Houston, Texas 77084, 281-389-0237. Revitalize America Partnership, Inc. meets all four of the following requirements:

- 1. Comments on the application are timely submitted.
- 2. Individual members of the group adversely affected by the facility, including Gregory Maurice Hudson, 10222 Morocco Rd, Houston, Texas 77041, 713-849-1988, are landowners in Carverdale within one mile distance to where the Hawthorn Park Recycling and Disposal Facility is located and would otherwise have standing to request a hearing due to the adverse impact on their health and property value and quality of life
- 3. The interests that Revitalize America Partnership, Inc. seeks to protect are germane to the organization's charitable purpose.
- 4. Neither the claim asserted, nor the relief requested requires the participation of the individual members in the case.

ISSUES RAISED:

- The PAA projects a total of 210.20-acres but only accounts for 171.6 acres, of which 10.2 acres includes the closed permit number 1135 and the PAA is silent regarding the 12.9 acres in MSW#1448, resulting in a 38.6-acre shortage. Accordingly, the site lacks sufficient acreage for a 38.6-acre expansion.
- 2. Despite closure requirements for landfills, the existing facility has been active for more than four decades, has reached full capacity, has been dormant for more than five years, yet remains.
- 3. As the name change from Hawthorn Park Landfill (HPL) to Hawthorn Park Recycling and Disposal Facility suggests HPL has reached full capacity and Waste Management submitted the PAA (as a loophole) to avoid closure and extend the life of the facility by installing a disposal facility on top of existing landfill waste.
- 4. It stands to reason that because a Disposal Facility is an entirely different type of operation than a landfill, permitting standards require a new permit--not an amendment. Likewise, because HPL has reached full capacity, landfill standards require closure.
- 5. The PAA seeks to install a disposal facility on top of the existing landfill waste, even though it could result in the disturbance of the final cover and risk groundwater contamination, in violation of TCEQ rules.
- 6. Based on the July 1, 2021 Fox 26 Houston Article by Damali Keith at the following link: <a href="https://www.fox26houston.com/news/residents-vs-waste-management-as-the-company-plans-to-expand-a-landfill"...HPL is permitted to accept asbestos-containing material..." However, in its 03/21/2021 response to TCEQ, Item 11, Form 3 of 11, page 36 of 61, the applicant checked "Not Applicable" in reference to Hazardous Waste Management Program under the Texas Solid Waste Disposal Act. Accordingly, and based on deficiencies in the PAA equipment list, the applicant intends to operate a disposal facility and manage hazardous waste without a hazardous waste permit and without following TCEQ rules, especially regarding construction quality assurance (CQA); preparedness and prevention; and contingency plan and emergency procedures.
- 7. The PAA contains neither a blueprint of the existing Permit Number 2185 nor a blueprint of 2185A for comparison.
- 8. The PAA lacks transparency in determining viability of design for safety of workers and residents because the Applicant proposes to install a Disposal Facility comprised of construction debris over existing landfill waste, instead of below ground in raw earth material.
- 9. According to the "Notice of Application and Preliminary Decision for Municipal Solid Waste Permit Amendment Proposed Permit No. 2185A", the TCEQ Executive Director has prepared a "Draft Permit" for the applicant which "if approved" would allow the Applicant to avoid closure and extend the life of the existing landfill 40+ more years in the future in the Carverdale Subdivision by installing

a Disposal Facility on top of existing landfill waste. In other words, the TCEQ has prepared a "Draft Permit" to forego standard permitting processes and grandfather the existing landfill for the applicant to avoid closure. However, allowing the existing landfill to avoid closure violates the Fourteenth Amendment Right to Due Process. Likewise, preparing a "Draft Permit" for the applicant and providing undue permitting advantages violates Equal Protection.

- 10. While indulging the Applicant, the TCEQ places strict demands on the residents of Carverdale, requiring them to prepare a proper Request for a Contested Case Hearing and prosecute a successful case against USA Waste of Texas Landfills, Inc. (aka Waste Management) in a "legal proceeding similar to a civil trial in a state district court." The act of imposing insurmountable requirements on low-income residents while freely (or otherwise) providing a "Draft Permit" and undue permitting advantages to the Applicant, to avoid closure and extend the life of the existing landfill, not only violates The Fourteenth Amendment Right to Equal Protection but exponentially increases the risk of adverse impact on property values and health and quality of life, in violation of the Fifth Amendment Right to the Pursuit of Happiness or unalienable rights of the residents of Carverdale, foremost and more so than residents in any other neighborhood.
- 11. Installing a disposal facility on top of existing landfill waste, in the Carverdale Subdivision, to avoid closure and extend the life of the existing landfill would set a harmful precedent and lead the way to installing permanent mountainous trash heaps in other low-income minority Black and Brown neighborhoods throughout Houston, Harris County, Texas.

Carverdale has experienced a long history of neglect and injury on the part of City, County, State, and Federal Government Officials, including the Cy-Fair I.S.D., HCCS, and Lonestar College, ET AL; from allowing the closure of the Carverdale School, to approving the installation of the existing landfill, from failing to enforce deed restrictions, to the lack of economic development and infrastructure. All, knowingly and intentionally to promote economic development and infrastructure and home building elsewhere in the Cy-Fair I.S.D by making sure that White students do not have to get secondary or post-secondary schooling in Carverdale, a low-income Black Neighborhood. Carverdale cried out for help, but Elected Officials withheld needed help. As enumerated herein TCEQ Permit# 2185A is neither permissible in fact nor in law. I pray that you will act favorably on this Request for a Contested Case Hearing by closing the existing landfill, and designating it a brownfield so it may be repurposed as a solar farm.

Respectfully submitted,

Myra (Wrenn) Jefferson

Revitalize America Partnership

muna (William) Jeffrenson

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Friday, March 4, 2022 10:10 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

FedExScan2022-03-04-09-28-57.pdf

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From: myraajefferson@gmail.com <myraajefferson@gmail.com>

Sent: Friday, March 4, 2022 10:06 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Myra Wrenn Jefferson

E-MAIL: myraajefferson@gmail.com

COMPANY: Revitalize America Partnership, Inc.

ADDRESS: 17518 WAVERLY GROVE DR

HOUSTON TX 77084-6322

PHONE: 2813890237

FAX:

COMMENTS: See attached Request for Contested Case Hearing on TCEQ Permit No. 2185A

Delivered by email to: laurie.gharis@tceq.texas.gov
And electronically at www14.tceq.texas.gov/epic/eComment/

March 4, 2022

Ms. Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
MC-105
P. O. Box 13087
Austin, Texas 78711-3087

Subject: Hawthorn Park Recycling and Disposal Facility Pending Municipal Solid Waste Permit Amendment #2185A

Dear Ms. Gharis:

Thank you for granting us an opportunity to request a Contested Case Hearing and please allow this letter to serve as notice that "We Request a Contested Case Hearing" pursuant to all applicable rules and regulations of the Texas Commission on Environmental Quality. "We Request a Contested Case Hearing." Revitalize America Partnership, Inc. is a Charitable 501 (C)(3) Organization of which Myra Jefferson is a Board member and landowner in Carverdale at 5417 Gessner Road, Houston, Texas 77041 from which we conduct activities within one mile to where the facility is located. Myra Jefferson is the designated representative for receiving future correspondence regarding this matter at: Revitalize America Partnership, Inc., 17518 Waverly Grove Dr, Houston, Texas 77084, 281-389-0237. Revitalize America Partnership, Inc. meets all four of the following requirements:

- 1. Comments on the application are timely submitted.
- 2. Individual members of the group adversely affected by the facility, including Gregory Maurice Hudson, 10222 Morocco Rd, Houston, Texas 77041, 713-849-1988, are landowners in Carverdale within one mile distance to where the Hawthorn Park Recycling and Disposal Facility is located and would otherwise have standing to request a hearing due to the adverse impact on their health and property value and quality of life
- 3. The interests that Revitalize America Partnership, Inc. seeks to protect are germane to the organization's charitable purpose.
- 4. Neither the claim asserted, nor the relief requested requires the participation of the individual members in the case.

ISSUES RAISED:

- 1. The PAA projects a total of 210.20-acres but only accounts for 171.6 acres, of which 10.2 acres includes the closed permit number 1135 and the PAA is silent regarding the 12.9 acres in MSW#1448, resulting in a 38.6-acre shortage. Accordingly, the site lacks sufficient acreage for a 38.6-acre expansion.
- 2. Despite closure requirements for landfills, the existing facility has been active for more than four decades, has reached full capacity, has been dormant for more than five years, yet remains.
- 3. As the name change from Hawthorn Park Landfill (HPL) to Hawthorn Park Recycling and Disposal Facility suggests HPL has reached full capacity and Waste Management submitted the PAA (as a loophole) to avoid closure and extend the life of the facility by installing a disposal facility on top of existing landfill waste.
- 4. It stands to reason that because a Disposal Facility is an entirely different type of operation than a landfill, permitting standards require a new permit--not an amendment. Likewise, because HPL has reached full capacity, landfill standards require closure.
- 5. The PAA seeks to install a disposal facility on top of the existing landfill waste, even though it could result in the disturbance of the final cover and risk groundwater contamination, in violation of TCEQ rules.
- 6. Based on the July 1, 2021 Fox 26 Houston Article by Damali Keith at the following link: <a href="https://www.fox26houston.com/news/residents-vs-waste-management-as-the-company-plans-to-expand-a-landfill"...HPL is permitted to accept asbestos-containing material..." However, in its 03/21/2021 response to TCEQ, Item 11, Form 3 of 11, page 36 of 61, the applicant checked "Not Applicable" in reference to Hazardous Waste Management Program under the Texas Solid Waste Disposal Act. Accordingly, and based on deficiencies in the PAA equipment list, the applicant intends to operate a disposal facility and manage hazardous waste without a hazardous waste permit and without following TCEQ rules, especially regarding construction quality assurance (CQA); preparedness and prevention; and contingency plan and emergency procedures.
- 7. The PAA contains neither a blueprint of the existing Permit Number 2185 nor a blueprint of 2185A for comparison.
- 8. The PAA lacks transparency in determining viability of design for safety of workers and residents because the Applicant proposes to install a Disposal Facility comprised of construction debris over existing landfill waste, instead of below ground in raw earth material.
- 9. According to the "Notice of Application and Preliminary Decision for Municipal Solid Waste Permit Amendment Proposed Permit No. 2185A", the TCEQ Executive Director has prepared a "Draft Permit" for the applicant which "if approved" would allow the Applicant to avoid closure and extend the life of the existing landfill 40+ more years in the future in the Carverdale Subdivision by installing

a Disposal Facility on top of existing landfill waste. In other words, the TCEQ has prepared a "Draft Permit" to forego standard permitting processes and grandfather the existing landfill for the applicant to avoid closure. However, allowing the existing landfill to avoid closure violates the Fourteenth Amendment Right to Due Process. Likewise, preparing a "Draft Permit" for the applicant and providing undue permitting advantages violates Equal Protection.

- 10. While indulging the Applicant, the TCEQ places strict demands on the residents of Carverdale, requiring them to prepare a proper Request for a Contested Case Hearing and prosecute a successful case against USA Waste of Texas Landfills, Inc. (aka Waste Management) in a "legal proceeding similar to a civil trial in a state district court." The act of imposing insurmountable requirements on low-income residents while freely (or otherwise) providing a "Draft Permit" and undue permitting advantages to the Applicant, to avoid closure and extend the life of the existing landfill, not only violates The Fourteenth Amendment Right to Equal Protection but exponentially increases the risk of adverse impact on property values and health and quality of life, in violation of the Fifth Amendment Right to the Pursuit of Happiness or unalienable rights of the residents of Carverdale, foremost and more so than residents in any other neighborhood.
- 11. Installing a disposal facility on top of existing landfill waste, in the Carverdale Subdivision, to avoid closure and extend the life of the existing landfill would set a harmful precedent and lead the way to installing permanent mountainous trash heaps in other low-income minority Black and Brown neighborhoods throughout Houston, Harris County, Texas.

Carverdale has experienced a long history of neglect and injury on the part of City, County, State, and Federal Government Officials, including the Cy-Fair I.S.D., HCCS, and Lonestar College, ET AL; from allowing the closure of the Carverdale School, to approving the installation of the existing landfill, from failing to enforce deed restrictions, to the lack of economic development and infrastructure. All, knowingly and intentionally to promote economic development and infrastructure and home building elsewhere in the Cy-Fair I.S.D by making sure that White students do not have to get secondary or post-secondary schooling in Carverdale, a low-income Black Neighborhood. Carverdale cried out for help, but Elected Officials withheld needed help. As enumerated herein TCEQ Permit# 2185A is neither permissible in fact nor in law. I pray that you will act favorably on this Request for a Contested Case Hearing by closing the existing landfill, and designating it a brownfield so it may be repurposed as a solar farm.

Respectfully submitted,

Myra (Wrenn) Jefferson

Revitalize America Partnership

Munch (Whenlie) Jeffrenon

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Thursday, March 3, 2022 8:28 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

FedEx Scan 2022-03-02 14-57-161.pdf

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From: myraajefferson@gmail.com <myraajefferson@gmail.com>

Sent: Wednesday, March 2, 2022 3:36 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Myra Wrenn Jefferson

E-MAIL: myraajefferson@gmail.com

COMPANY: Revitalize America Partnership

ADDRESS: 17518 WAVERLY GROVE DR

HOUSTON TX 77084-6322

PHONE: 2813890237

FAX:

COMMENTS: Please see attached.

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

Subject: Request for a Contested Case Hearing on TCEQ Permit No. 2181A

Dear Executive Director:

Revitalize America Partnership, Inc. is a Charitable 501 (C) (3) Organization. We request a Contested Case Hearing on behalf of Gregory Maurice Hudson; ET AL; in opposition to the Hawthorn Park Recycling and Disposal Facility Permit No. 2185A. We conduct activities in Carverdale in proximity to where the facility is located. Myra Jefferson and Andre Ammiel are the designated group representatives for receiving future correspondence regarding this matter at: 17518 Waverly Grove Dr, Houston, Texas 77084. We meet and continue to meet all four of the following requirements:

- 1. Comments on the application are timely submitted.
- 2. Individual members of the group adversely affected by the facility, including Gregory Maurice Hudson, 10222 Morocco Rd, Houston, Texas 77041, 713-849-1988, are landowners in Carverdale in proximity to where the Hawthorn Park Recycling and Disposal Facility is located and would otherwise have standing to request a hearing in their own right.
- 3. The interests that Revitalize America Partnership, Inc. seeks to protect are germane to the organization's charitable purpose.
- 4. Neither the claim asserted, nor the relief requested requires the participation of the individual members in the case.

ISSUES RAISED:

- 1. The PAA projects a total of 210.20-acres but only accounts for 171.6 acres, of which 10.2 acres includes the closed permit number 1135 and the PAA is silent regarding the 12.9 acres in MSW#1448, resulting in a 38.6-acre shortage. Accordingly, the site lacks sufficient acreage for a 38.6-acre expansion.
- 2. Despite closure requirements for landfills, the existing facility has been active for more than four decades and has reached full capacity and has been dormant for more than five years. Accordingly, the existing landfill had reached full capacity and was dormant when Waste Management submitted the PAA.
- 3. As the name change from Hawthorn Park Landfill (HPL) to Hawthorn Park Recycling and Disposal Facility suggests, HPL has reached full capacity, and Waste Management submitted the PAA (as a loophole) to avoid closure based on full capacity, by installing a disposal facility on top of existing landfill waste.
- 4. Because a Disposal Facility is an entirely different type of operation than a landfill permitting standards require a new permit; however, HPL has reached full capacity and landfill standards require closure.
- 5. The PAA seeks to install a disposal facility on top of the existing landfill waste, even though it could result in the disturbance of the final cover and risk groundwater contamination, in violation of TCEQ rules.
- 6. According to the July 1, 2021 Fox 26 Houston Article by Damali Keith at the following website: <a href="https://www.fox26houston.com/news/residents-vs-waste-management-as-the-company-plans-to-expand-a-landfill"....HPL is permitted to accept asbestos-containing material..." However, in its 03/21/2021 response to TCEQ, Item 11, Form 3 of 11, page 36 of 61, the applicant checked "Not Applicable" in reference to Hazardous Waste Management Program under the Texas Solid Waste Disposal Act.
- 7. Based on Item No. 6, and deficiencies in the PAA equipment list, the applicant intends to operate a disposal facility and manage hazardous waste without a hazardous waste permit and without following TCEQ rules,

- especially regarding construction quality assurance (CQA); preparedness and prevention; and contingency plan and emergency procedures.
- 8. The PAA contains neither a blueprint (plans and specifications) of the existing Permit Number 2185 nor a blueprint (plans and specifications) of 2185A for comparison.
- 9. The construction of the Hawthorn Park Recycling and Disposal Facility lacks transparency in determining safety because the Applicant is installing a Disposal Facility over construction debris instead of raw earth material.
- 10. According to the "Notice of Application and Preliminary Decision for Municipal Solid Waste Permit Amendment Proposed Permit No. 2185A", hereinafter referred to as (The Notice), the TCEQ Executive Director has prepared a "draft permit" for the applicant which "if approved" would allow the applicant to install a disposal facility on top of its existing 30+ year old full capacity landfill acquired in 1996 to extend the life of the landfill 40+ more years in the future in the Carverdale Subdivision. In other words, The TCEQ has prepared a "draft permit" to grandfather the applicant's landfill and forego permitting processes, in lieu of closure based on full capacity. However, allowing the existing landfill to avoid closure violates the Fourteenth Amendment Right to Due Process; and preparing a "draft permit" for the applicant and providing undue permitting advantages violates Equal Protection.
- 11. In Contrast, according to The Notice, the TCEQ is requiring the residents of Carverdale, a low-income Black and Brown Community, to prepare a proper Request for a Contested Case Hearing and prosecute a successful case against USA Waste of Texas Landfills, Inc. (aka Waste Management) in a "legal proceeding similar to a civil trial in a state district court." The acts of imposing insurmountable requirements on low-income residents while freely (or otherwise) providing a "draft permit" and undue permitting advantages to the applicant, in lieu of closure based on full capacity, not only violates The Fourteenth Amendment Right to Equal Protection but also exponentially increases the risk of adverse impact on property values and health issues and safety concerns in violation of the Fifth Amendment Right to the Pursuit of Happiness or unalienable rights of the residents of Carverdale, foremost and more so than residents in any other neighborhood.
- 12. Installing a disposal facility on top of existing landfill waste, in the Carverdale Subdivision, to extend the life of the existing 30+ year old full capacity landfill would set a harmful precedent and lead the way to installing permanent mountainous trash heaps in other low-income minority Black and Brown neighborhoods throughout Houston, Harris County, Texas.

Carverdale has experienced a long history of neglect and injury on the part of City, County, State, and Federal Government Officials, including the Cy-Fair I.S.D., HCCS, and Lonestar College, ET AL; from allowing the closure of the Carverdale School, to approving the installation of the existing landfill, from failing to enforce deed restrictions, to lack of economic development and infrastructure. All, knowingly and intentionally to promote economic development and infrastructure and home building in the CFISD by making sure that White students would not have to get schooling in Carverdale, a low-income Black Neighborhood. Carverdale cried out for help, but Elected Officials withheld needed help. As enumerated herein TCEQ Permit# 2185A is neither permissible in fact nor in law. I pray that you will act favorably on this (cry) Request for a Contested Case Hearing by closing the existing landfill and having it designated as a brownfield so it may be repurposed as a solar farm.

Respectfully submitted,

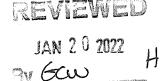
Myra (Wrenn) Jefferson, President and Director

Revitalize America Partnership, Inc.

17518 Waverly Grove Drive

Houston, Texas 77084 281-389-0237 January 15, 2022

Office of the Chief Clerk MC-105 TCEQ P. O. Box 13087 Austin, TX 78711-3087



MSW 123200

Revitalize America Partnership, Inc., a charitable 501 (C) (3) organization, meets all the following requirements and requests a Contested Case Hearing because we do not believe the PAA is permissible in fact or in law:

- 1. Per the attached petition, comments on the application are timely submitted by Revitalize America Partnership, Inc.
- 2. Members of Revitalize America Partnership, Inc., namely Myra (Wrenn) Jefferson, 5417 Gessner Rd., Houston, Texas 77041, 281-389-0237 and Gregory Maurice Hudson, 10222 Morocco Rd, Houston, Texas 77041, 713-849-1988 are landowners in Carverdale, wherein the Hawthorn Park Recycling and Disposal Facility is located and would otherwise have standing to request a hearing in their own right.
- 3. The interests that Revitalize America Partnership, Inc. seeks to protect are germane to the organization's charitable purpose.
- 4. Neither the claim asserted, nor the relief requested requires the participation of the individual members in the case.

ISSUES RAISED:

- 1. The PAA projects a total of 210.20-acres but only accounts for 171.6 acres, of which 10.2 acres includes the closed permit number 1135 and the PAA is silent regarding the 12.9 acres in MSW#1448, resulting in a 38.6-acre shortage—not a 38.6-acre expansion.
- 2. Despite the closure requirements for Industrial and hazardous waste-permitted facilities, the landfill had been active for decades and dormant for years when Waste Management submitted the PAA.
- 3. As the name change from Hawthorn Park Landfill (HPL) to Hawthorn Park Recycling and Disposal Facility suggests, HPL had reached capacity and Waste Management submitted the PAA as a loophole to avoid closure.
- 4. The PAA seeks to install a disposal facility on top of the existing landfill waste, even though it could result in the disturbance of the final cover and risk groundwater contamination.
- 5. The applicant is a hazardous waste-permitted facility, but in its 03/21/2021 response to TCEQ, Item 11, Form 3 of 11, page 36 of 61, the applicant checked "Not Applicable" in reference to Hazardous Waste Management Program under the Texas Solid Waste Disposal Act.
- 6. Based on deficiencies in the PAA equipment list, the applicant intends to operate a disposal facility and manage hazardous waste without following TCEQ rules, especially regarding construction quality assurance (CQA); preparedness and prevention; and contingency plan and emergency procedures.
- 7. Installing a disposal facility on top of the existing landfill waste in Carverdale would create a (permanent) mountainous trash heap in Carverdale and adversely impact our property values and our health and safety more so than any other neighborhood.

Respectfully submitted,

MULL

Myra Wrehn, President and Director

Petition in Opposition to TCEQ Permit Number 21ooA

To Protest the Landfill in Carverdale complete & mail this petition to the TCEQ address shown below:

¹⁰ TCEQ Permit Number 2185A lacks transparency regarding the projected 210.20-acre landfill footprint; the alleged 38.6-acre expansion; and the history of the Existing Landfill Permit Number MSW#2185. Specifically, the Permit Amendment Application (PAA) is silent regarding the 12.9 acres in MSW#1448 and therefore Waste Management only accounts for 171.6 acres, resulting in a 38.6-acre footprint shortage. 11 Nonetheless, based on the number of decades in which the existing landfill has operated at 10550 Tanner Road in Carverdale, a minority (black and brown) neighborhood of Houston, Harris County, Texas 77041, it is widely known that the landfill had reached disposal capacity and was dormant when Waste Management applied to the TCEQ for a permit major amendment to authorize the name change to The Hawthorn Park Recycling and Disposal Facility and the lateral and vertical expansion of the facility.

⁹Industrial and hazardous waste-permitted facilities are subject to closure requirements; but, as its name change from Hawthorn Park Landfill (HPL) to Hawthorn Park Recycling and Disposal Facility implies, HPL has reached capacity and Waste Management has applied for a permit to avoid closure, by installing a disposal facility on top of existing landfill waste. ²In any circumstance, no person may commence to install any structure on top of existing landfill waste as it would result in the disturbance of the final cover, risking groundwater contamination. Further, based on deficiencies in its equipment list, Waste Management intends to operate its 8Transfer, Storage, and Disposal Facility (TSDF) and manage hazardous waste without following the rules set forth in 40 CFR Parts 264/265, especially Subpart A-E regarding construction quality assurance (CQA); preparedness and prevention; and contingency plan and emergency procedures. All, while creating a (permanent) mountainous trash heap producing greenhouse gas.

¹When a landfill reaches capacity the owner may have it capped, covered permanently with a polyethylene cap and compacted soil, and planted with vegetation to prevent erosion by rainfall and wind; in addition, the owner must monitor and maintain the site for up to 30 years. Or, in the alternative, the owner may turn the site into green space; ⁶or a recognized government agency may have it designated as a brownfield. Even though TCEQ's Executive Director has determined that Waste Management's application is administratively complete; the PAA is not technically complete or legal. The plan is to have Permit Number 2185A denied; and, to have the Existing Landfill, Hawthorn Park Landfill, at 10550 Tanner Road, Houston, Texas 77041 closed. Thank you.

To Protest the Landfill in Carverdale complete & mail this petition to the TCEQ address shown below:

TCEQ will conduct a Public Meeting on Tuesday, January 18, 2022, at 7:00 PM. You may access the meeting via webcast at: https://www.gotomeeting.com/webinar/join-webinar and entering Webinar ID 655-1374 955, at least 15 minutes before the meeting begins. Those without internet access must call (512) 239-1201 at least one day prior to the meeting to register for the meeting and to obtain information for participating telephonically. Members of the public who wish to only listen to the meeting may call, toll free, (914) 614-3221 and enter access code 827-425-587. Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at 512-239-3300 or 1-800-RELAY-TX (TDD) at least five business days prior to the meeting.

Name:

Address: 10222 prosocco

Mail to: Office of the Chief Clerk, MC-105, TCEQ, P. O. Box 13087, Austin, TX 78711-3087; or comment electronically at https://www14.tceq.texas.gov/epic/eComment/; or fax to (512)239-3311, before the close of the public comment period. All comments submitted by fax must be followed by a hard copy within 3 days. Spanish:1-800-687-4040

Petition in Opposition to TCEQ Permit Number 2103A

To Protest the Landfill in Carverdale complete & mail this petition to the TCEQ address shown below:

TCEQ Permit Number 2185A lacks transparency regarding the projected 210.20-acre landfill footprint; the alleged 38.6-acre expansion; and the history of the Existing Landfill Permit Number MSW#2185. Specifically, the Permit Amendment Application (PAA) is silent regarding the 12.9 acres in MSW#1448 and therefore Waste Management only accounts for 171.6 acres, resulting in a 38.6-acre footprint shortage. ¹¹Nonetheless, based on the number of decades in which the existing landfill has operated at 10550 Tanner Road in Carverdale, a minority (black and brown) neighborhood of Houston, Harris County, Texas 77041, it is widely known that the landfill had reached disposal capacity and was dormant when Waste Management applied to the TCEQ for a permit major amendment to authorize the name change to The Hawthorn Park Recycling and Disposal Facility and the lateral and vertical expansion of the facility.

⁹Industrial and hazardous waste-permitted facilities are subject to closure requirements; but, as its name change from Hawthorn Park Landfill (HPL) to Hawthorn Park Recycling and Disposal Facility implies, HPL has reached capacity and Waste Management has applied for a permit to avoid closure, by installing a disposal facility on top of existing landfill waste. ²In any circumstance, no person may commence to install any structure on top of existing landfill waste as it would result in the disturbance of the final cover, risking groundwater contamination. Further, based on deficiencies in its equipment list, Waste Management intends to operate its ⁸Transfer, Storage, and Disposal Facility (TSDF) and manage hazardous waste without following the rules set forth in 40 CFR Parts 264/265, especially Subpart A-E regarding construction quality assurance (CQA); preparedness and prevention; and contingency plan and emergency procedures. All, while creating a (permanent) mountainous trash heap producing greenhouse gas.

¹When a landfill reaches capacity the owner may have it capped, covered permanently with a polyethylene cap and compacted soil, and planted with vegetation to prevent erosion by rainfall and wind; in addition, the owner must monitor and maintain the site for up to 30 years. Or, in the alternative, the owner may turn the site into green space; ⁶or a recognized government agency may have it designated as a brownfield. Even though TCEQ's Executive Director has determined that Waste Management's application is administratively complete; the PAA is not technically complete or legal. The plan is to have Permit Number 2185A denied; and, to have the Existing Landfill, Hawthorn Park Landfill, at 10550 Tanner Road, Houston, Texas 77041 closed. Thank you.

To Protest the Landfill in Carverdale complete & mail this petition to the TCEQ address shown below:

TCEQ will conduct a Public Meeting on Tuesday, January 18, 2022, at 7:00 PM. You may access the meeting via webcast at: https://www.gotomeeting.com/webinar/join-webinar and entering Webinar ID 655-137-955, at least 15 minutes before the meeting begins. Those without internet access must call (512) 239-1201 at least one day prior to the meeting to register for the meeting and to obtain information for participating telephonically. Members of the public who wish to only listen to the meeting may call, toll free, (914) 614-3221 and enter access code 827-425-587. Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at 512-239-3300 or 1-800-RELAY-TX (TDD) at least five business days prior to the meeting.

Name: Revitalize America Partnership Address: 17518 Waverly Grove Dr. By: Myra Wrenn, Musident & Director Houston, TX 77084

Mail to: Office of the Chief Clerk, MC-105, TCEQ, P. O. Box 13087, Austin, TX 78711-3087; or comment electronically at https://www14.tceq.texas.gov/epic/eComment/; or fax to (512)239-3311, before the close of the public comment period. All comments submitted by fax must be followed by a hard copy within 3 days. Spanish:1-800-687-4040

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Revitalize America Pathership In 17518 Waverly Grove Dr.

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Houston, TX 77084

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BDG: F PKG: 0 CLRK: Daniel Alba CHIEF, CLERKS

January 16, 2022

Office of the Chief Clerk, MC-105 TCEQ P. O. Box 13087 Austin, TX 78711-3087

Re: TCEQ Permit Number 2185A

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 77041, 281-389-0237 and Gregory Maurice Hudson, 10222 Morocco Rd, Houston, Texas 77041, 713-849-1988 are
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 have standing to request a hearing in their own right.
- 3. The interests that Revitalize America Partnership, Inc. seeks to protect are germane to the organization's charitable purpose.
- 4. Neither the claim asserted, nor the relief requested requires the participation of the individual members in the case.

ISSUES RAISED:

- 1. The PAA projects a total of 210.20-acres but only accounts for 171.6 acres, of which 10.2 acres includes the closed permit number 1135 and the PAA is silent regarding the 12.9 acres in MSW#1448, resulting in a 38.6-acre shortage—not a 38.6-acre expansion.
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- 7. Installing a disposal facility on top of existing landfill waste inside a neighborhood would be double jeopardy and not only set a precedence that would lead the way to creating (permanent) mountainous trash heaps in low-income, minority (black and brown) neighborhoods of Houston, Harris County, Texas; but also, double the adverse impact on the property values and the health issues and the safety concerns in Carverdale, firstly and more so than any other neighborhood.

Myra Wrenn, President and Director Revitalize America Partnership, Inc. 17518 Waverly Grove Drive, Houston, Texas 77084

Email: contact@revitalizeamerica.net Fax: 800-773-1218; Phone: 713-466-6200

Myra Wrenn (2 of 2) Double Jeopardy Law Revitalize America Partnership
17518 Waverly Grove Dr
Houston, Tx 77084

2 of 2 office of the Chief Oler, MC-105

P.O. Box 13087 Austin, TX 78711-3087

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January 16, 2022

Office of the Chief Clerk, MC-105 TCEQ P. O. Box 13087 Austin, TX 78711-3087

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MSW 123200

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Respectfully submitted, Myra Wrenn, President and Director Revitalize America Partnership, Inc. 17518 Waverly Grove Drive, Houston, Texas 77084

Email: contact@revitalizeamerica.net Fax: 800-773-1218; Phone: 713-466-6200 REVIEWED

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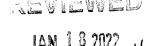
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Myra Wrenn (142)
Revitalize America Panthership
17518 Waverly Grove Dr.
Houston, Tx 77084

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Office of the Chief Clerk, MC-105 TCEQ P.O. Box 13087 Austin, TX 78711-3087

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



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CHEEF CLARKS OFFICE

MSW 123200

Re: TCEQ Permit Number 2185A

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Respectfully submitted,

Myra Wrenn, President and Director

WMA WMM

17518 Waverly Grove Drive, Houston, Texas 77084 Email: contact@revitalizeamerica.net Phone: 713-466-6200 Fax: 800-773-1218 Website: RevitalizeAmerica.net



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From:

PUBCOMMENT-OCC

Sent:

Tuesday, January 18, 2022 3:32 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

TCEQ2185AHEARINGREQUEST.pdf

Н

From: myraajefferson@gmail.com <myraajefferson@gmail.com>

Sent: Tuesday, January 18, 2022 10:51 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Myra Jefferson

E-MAIL: myraajefferson@gmail.com

COMPANY: Revitatlize America Partnership, Inc.

ADDRESS: 17518 WAVERLY GROVE DR

HOUSTON TX 77084-6322

PHONE: 2813890237

FAX: 8007731218

COMMENTS: Please see attached.

January 18, 2022

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

Re: TCEQ Permit Number 2185A

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- 8. Installing a disposal facility on top of existing landfill waste in Carverdale would set a negative precedent and lead the way for others to act likewise, by installing (permanent) mountainous trash heaps in low-income minority (black and brown) neighborhoods of Houston, Harris County, Texas, which would not only violate the Fourteenth Amendment Right to Due Process, by allowing the existing landfill (Permit 2185) to avoid its scheduled closure and thereby double its adverse impact on property values and health issues and safety concerns; but also, it would violate the Fifth Amendment Rights to the Pursuit of Happiness or unalienable rights of the residents of Carverdale, foremost and more so than the residents of any other neighborhood.

Respectfully submitted, Myra Wrenn, President and Director

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Tuesday, January 18, 2022 3:28 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Corporate eFax message from "18007731218" - 2 page(s)

Attachments:

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From: Fax3311 <fax3311@tceq.texas.gov> Sent: Tuesday, January 18, 2022 8:26 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: FW: Corporate eFax message from "18007731218" - 2 page(s)

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Sent: Monday, January 17, 2022 3:32 PM **To:** Fax3311 cfax3311@tceq.texas.gov>

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FAX COVER SHEET

Page: 1 of

TO	
COMPANY	
FAXNUMBER	R 15122393311
FROM	MyraJefferson
DATE	2022-01-17 21:29:51 GMT
RE	January 17, 2022 Request for Contested Case Hearing on
TCEQ Permit	Number 2185A: Submitted by Revitalize America Partnership, Incl.

COVER MESSAGE

Attached is the January 17, 2022 request for a contested case hearing on TCEQ Permit Number 2185A, submitted by Revitalize America Partnership, Inc.

January 17, 2022

Revitalize America Partnership

Office of the Chief Clerk TCEQ 12100 Park 35 Circle, Bldg F Austin, TX 78753 JAN 13 2022 NSW 123200

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WMA WAWM

17518 Waverly Grove Drive, Houston, Texas 77084 Email: contact@revitalizeamerica.net r Phone: 713-486-6200 Fax: 800-773-1218 Website: RevitalizeAmerica.net

FAX COVER SHEET

TO	
COMPANY	
FAXNUMBER	R 15122393311
FROM	MyraJefferson
DATE	2022-01-17 21:29:51 GMT
RE	January 17, 2022 Request for Contested Case Hearing on
TCEQ Permit	Number 2185A: Submitted by Revitalize America Partnership, Incl.

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Respectfully submitted. Myra Wrenn, President and Director Muna Whenin

17518 Waverly Grove Driva, Houston, Texas 77084 Email: contact@ravitalizeamerica.net Phone: 713-466-6200 Fax: 800-773-1218 Website: RevitalizeAmerica.net

Paul Worrall

From:

eFax Corporate < message@inbound.efax.com>

Sent:

Monday, January 17, 2022 3:32 PM

To:

Fax3311

Subject:

Corporate eFax message from "18007731218" - 2 page(s)

Attachments:

FAX_20220117_1642455117_311.prod.afc_did11-1642455021-15122335236-311.pdf



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Email: corporatesupport@mail.efax.com Phone: 1 (323) 817-3202 or 1 (800) 810-2641

EU

Email: corporatesupporteu@mail.efax.com

Phones:

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Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Tuesday, January 18, 2022 3:27 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Corporate eFax message from "18007731218" - 3 page(s)

Attachments:

FAX_20220116_1642358393_967.prod.afc_did8-1642358308-15122335236-967.pdf

Н

From: Fax3311 <fax3311@tceq.texas.gov> Sent: Tuesday, January 18, 2022 8:25 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: FW: Corporate eFax message from "18007731218" - 3 page(s)

This item was received by the OCC FAX BOX and has been entered into CID.

From: eFax Corporate < message@inbound.efax.com >

Sent: Sunday, January 16, 2022 12:40 PM To: Fax3311 <fax3311@tceq.texas.gov>

Subject: Corporate eFax message from "18007731218" - 3 page(s)



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Email: corporatesupport@mail.efax.com
Phone: 1 (323) 817-3202 or 1 (800) 810-2641

EU

Email: corporatesupporteu@mail.efax.com

Phones:

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+49	800	0003164
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FAX COVER SHEET

Page: 1 of 3

TO	
COMPANY	
FAXNUMBER	15122393311
FROM	MyraJefferson
DATE	2022-01-16 18:38:11 GMT
RE	Request for Contested Case Hearing, Submitted by
Revitalize America	Partnership (Case of Double Jeopardy)

COVER MESSAGE

January 16, 2022

Office of the Chief Clerk, MC-105 TCEQ P. O. Box 13087 Austin, TX 78711-3087

Re: TCEQ Permit Number 2185A

Revitalize America Partnership, Inc., a charitable 501 (C) (3) organization, meets all the following requirements and requests a Contested Case Hearing because we do not believe TCEQ Permit# 2185A is permissible in fact or in law:

- 1. Comments on the application are timely submitted.
- 2. Members of Revitalize America Partnership, Inc., namely Myra (Wrenn) Jefferson, 5417 Gessner Rd., Houston, Texas 77041, 281-389-0237 and Gregory Maurice Hudson, 10222 Morocco Rd, Houston, Texas 77041, 713-849-1988 are landowners in Carverdale, wherein the Hawthorn Park Recycling and Disposal Facility is located and would otherwise have standing to request a hearing in their own right.
- 3. The interests that Revitalize America Partnership, Inc. seeks to protect are germane to the organization's charitable
- 4. Neither the claim asserted, nor the relief requested requires the participation of the individual members in the case.

ISSUES RAISED:

- The PAA projects a total of 210.20-acres but only accounts for 171.6 acres, of which 10.2 acres includes the closed permit number 1135 and the PAA is silent regarding the 12.9 acres in MSW#1448, resulting in a 38.6-acre shortage—not a 38.6-acre expansion.
- Despite the closure requirements for Industrial and hazardous waste-permitted facilities, the landfill had been active for decades and dormant for years when Waste Management submitted the PAA.
- As the name change from Hawthorn Park Landfill (HPL) to Hawthorn Park Recycling and Disposal Facility suggests, HPL had reached capacity and Waste Management submitted the PAA as a loophole to avoid closure.
- The PAA seeks to install a disposal facility on top of the existing landfill waste, even though it could result in the disturbance of the final cover and risk groundwater contamination.
- 5. The applicant is a hazardous waste-permitted facility, but in its 03/21/2021 response to TCEQ, Item 11, Form 3 of 11, page 36 of 61, the applicant checked "Not Applicable" in reference to Hazardous Waste Management Program under the Texas Solid Waste Disposal Act.
- Based on deficiencies in the PAA equipment list, the applicant intends to operate a disposal facility and manage hazardous waste without following TCEQ rules, especially regarding construction quality assurance (CQA); preparedness and prevention; and contingency plan and emergency procedures.

To: +15122393311

Page: 2 of ?

2022-01-16 18:38:25 GMT

207731218

From: Myra Jefferson

7. Installing a disposal facility on top of existing landfill waste inside a neighborhood would be double jeopardy and not only set a precedence that would lead the way to creating (permanent) mountainous trash heaps in low-income, minority (black and brown) neighborhoods of Houston, Harris County, Texas; but also, double the adverse impact on the property values and the health issues and the safety concerns in Carverdale, firstly and more so than any other neighborhood.

Myra Wrenn, President and Director Revitalize America Partnership, Inc. 17518 Waverly Grove Drive, Houston, Texas 77084 Email: contact@revitalizeamerica.net

Fax: 800-773-1218; Phone: 713-466-6200

From: Myra Jefferson

January 16, 2022

Office of the Chief Clerk, MC-105 TCEQ P. O. Box 13087 Austin, TX 78711-3087

Re: TCEQ Permit Number 2185A

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 77041, 281-389-0237 and Gregory Maurice Hudson, 10222 Morocco Rd, Houston, Texas 77041, 713-849-1988 are
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 have standing to request a hearing in their own right.
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ISSUES RAISED:

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Myra Wrenn, President and Director Revitalize America Partnership, Inc. 17518 Waverly Grove Drive, Houston, Texas 77084

Email: contact@revitalizeamerica.net Fax: 800-773-1218; Phone: 713-466-6200

From: Myra Jefferson



JAN 1 3 2022

FAX COVER SHEET

Page: 1 of 1

TO	37 GCW H
COMPANY	
FAXNUMBER	15122393311
FROM	MyraJefferson
DATE	2022-01-16 18:38:11 GMT
RE	Request for Contested Case Hearing, Submitted by
Revitalize America	Partnership (Case of Double Jeopardy)

COVER MESSAGE

January 16, 2022

Office of the Chief Clerk, MC-105 TCEQ P. O. Box 13087 Austin, TX 78711-3087

Re: TCEQ Permit Number 2185A

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January 16, 2022

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Page: 3 of '

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Myra Wrenn, President and Director Revitalize America Partnership, Inc. 17518 Waverly Grove Drive, Houston, Texas 77084

Email: contact@revitalizeamerica.net Fax: 800-773-1218; Phone: 713-466-6200 To: +15122393311

Page: 2 of 1

2022-01-16 18:38:25 GMT

10007731218

From: Myra Jefferson

7. Installing a disposal facility on top of existing landfill waste inside a neighborhood would be double jeopardy and not only set a precedence that would lead the way to creating (permanent) mountainous trash heaps in low-income, minority (black and brown) neighborhoods of Houston, Harris County, Texas; but also, double the adverse impact on the property values and the health issues and the safety concerns in Carverdale, firstly and more so than any other neighborhood.

Myra Wrenn, President and Director Revitalize America Partnership, Inc. 17518 Waverly Grove Drive, Houston, Texas 77084 Email: contact@revitalizeamerica.net

Fax: 800-773-1218; Phone: 713-466-6200

Paul Worrall

From:

eFax Corporate <message@inbound.efax.com>

Sent:

Sunday, January 16, 2022 12:40 PM

To:

Fax3311

Subject:

Corporate eFax message from "18007731218" - 3 page(s)

Attachments:

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Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Tuesday, January 18, 2022 3:27 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Corporate eFax message from "18007731218" - 3 page(s)

Attachments:

FAX_20220116_1642355479_183.prod.afc_did8-1642355394-15122335236-183.pdf

Н

From: Fax3311 <fax3311@tceq.texas.gov> Sent: Tuesday, January 18, 2022 8:25 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: FW: Corporate eFax message from "18007731218" - 3 page(s)

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From: eFax Corporate < message@inbound.efax.com >

Sent: Sunday, January 16, 2022 11:51 AM To: Fax3311 < fax3311@tceq.texas.gov>

Subject: Corporate eFax message from "18007731218" - 3 page(s)



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Phone: 1 (323) 817-3202 or 1 (800) 810-2641

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Email: corporatesupporteu@mail.efax.com

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FAX COVER SHEET

Page: 1 of 3/

ТО		
COMPANY		
FAXNUMBER	15122393311	
FROM	MyraJefferson	
DATE	2022-01-16 17:49:39 GMT	
RE	REQUEST FOR CONTESTED CASE HEARING	
SUBMITTEDBY	REVITALIZE AMERICA PARTNERSHIP	

COVER MESSAGE

January 16, 2022

Office of the Chief Clerk, MC-105 TCEQ P. O. Box 13087 Austin, TX 78711-3087

Re: TCEQ Permit Number 2185A

Revitalize America Partnership, Inc., a charitable 501 (C) (3) organization, meets all the following requirements and requests a Contested Case Hearing because we do not believe TCEQ Permit# 2185A is permissible in fact or in law:

- 1. Comments on the application are timely submitted.
- 2. Members of Revitalize America Partnership, Inc., namely Myra (Wrenn) Jefferson, 5417 Gessner Rd., Houston, Texas 77041, 281-389-0237 and Gregory Maurice Hudson, 10222 Morocco Rd, Houston, Texas 77041, 713-849-1988 are landowners in Carverdale, wherein the Hawthorn Park Recycling and Disposal Facility is located and would otherwise have standing to request a hearing in their own right.
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From: Myra Jefferson

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Respectfully submitted,
Myra Wrenn, President and Director
Revitalize America Partnership, Inc.
17518 Waverly Grove Drive, Houston, Texas 77084
Email: contact@revitalizeamerica.net

Fax: 800-773-1218; Phone: 713-466-6200

From: Myra Jefferson

January 16, 2022

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Myra Wrenn, President and Director
Revitalize America Partnership, Inc.
17518 Waverly Grove Drive, Houston, Texas 77084
Email: contact@revitalizeamerica.net

Fax: 800-773-1218; Phone: 713-466-6200

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Tuesday, January 18, 2022 3:26 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Corporate eFax message from "18007731218" - 4 page(s)

Attachments:

FAX 20220115 1642266570 460.prod.afc1 did15-1642266330-15122335236-460.pdf

Н

From: Fax3311 <fax3311@tceq.texas.gov> Sent: Tuesday, January 18, 2022 8:25 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Cc: paul worrall < worrallpaul 1@yahoo.com>

Subject: FW: Corporate eFax message from "18007731218" - 4 page(s)

This item was received by the OCC FAX BOX and has been entered into CID.

From: eFax Corporate < message@inbound.efax.com >

Sent: Saturday, January 15, 2022 11:10 AM To: Fax3311 <fax3311@tceq.texas.gov>

Subject: Corporate eFax message from "18007731218" - 4 page(s)



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EU

Email: corporatesupporteu@mail.efax.com

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FAX COVER SHEET

TO	
COMPANY	
FAXNUMBER	15122393311
FROM	MyraJefferson
DATE	2022-01-15 17:05:14 GMT
RE	Request for Contested Case Hearing on TCEQ Permit
Number 2185A, S	Submitted by Revitalize America Partnership, Inc.

COVER MESSAGE

See attached.

Revitalize America Partnership

January 15, 2022

Office of the Chief Clerk MC-105 TCEQ -P. O. Box 13087 Austin, TX 78711-3087

Page: 2 of 4 -

Revitalize America Partnership, Inc., a charitable 501 (C) (3) organization, meets all the following requirements and requests a Contested Case Hearing because we do not believe the PAA is permissible in fact or in law:

- 1. Per the attached petition, comments on the application are timely submitted by Revitalize America Partnership, Inc.
- 2. Members of Revitalize America Partnership, Inc., namely Myra (Wrenn) Jefferson, 5417 Gessner Rd., Houston, Texas. 77041, 281-389-0237 and Gregory Maurice Hudson, 10222 Morocco Rd, Houston, Texas 77041, 713-849-1988 are landowners in Carverdale, wherein the Hawthorn Park Recycling and Disposal Facility is located and would otherwise have standing to request a hearing in their own right.
- 3. The interests that Revitalize America Partnership, Inc. seeks to protect are germane to the organization's charitable purpose.
- 4. Neither the claim asserted, nor the relief requested requires the participation of the individual members in the case.

ISSUES RAISED:

- 1. The PAA projects a total of 210:20-acres but only accounts for 171.6 acres, of which 10.2 acres includes the closed permit number 1135 and the PAA is silent regarding the 12.9 acres in MSW#1448, resulting in a 38.6-acre shortage—not a 38.6-acre expansion.
- 2. Despite the closure requirements for Industrial and hazardous waste-permitted facilities, the landfill had been active for decades and dormant for years when Waste Management submitted the PAA.
- 3. As the name change from Hawthorn Park Landfill (HPL) to Hawthorn Park Recycling and Disposal Facility suggests, HPL had reached capacity and Waste Management submitted the PAA as a loophole to avoid closure.
- 4. The PAA seeks to install a disposal facility on top of the existing landfill waste, even though it could result in the disturbance of the final cover and risk groundwater contamination.
- 5. The applicant is a hazardous waste-permitted facility, but in its 03/21/2021 response to TCEQ, Item 11, Form 3 of 11, page 36 of 61, the applicant checked "Not Applicable" in reference to Hazardous Waste Management Program under the Texas Solid Waste Disposal Act.
- Based on deficiencies in the PAA equipment list, the applicant intends to operate a disposal facility and manage hazardous waste without following TCEQ rules, especially regarding construction quality assurance (CQA); preparedness and prevention; and contingency plan and emergency procedures.
- Installing a disposal facility on top of the existing landfill waste in Carverdale would create a (permanent) mountainous trash heap in Carverdale and adversely impact our property values and our health and safety more so than any other neighborhood.

Respectfully submitted. MUMA WILL Myra Wrehn, President and Director 5: +15122393311

Petition in Opposition to TCEQ Permit Number 2185A

To Protest the Landfill in Carverdale complete & mail this petition to the TCEQ address shown below:

¹⁰ TCEQ Permit Number 2185A lacks transparency regarding the projected 210.20-acre landfill footprint; the alleged 38.6-acre expansion; and the history of the Existing Landfill Permit Number MSW#2185. Specifically, the Permit Amendment Application (PAA) is silent regarding the 12.9 acres in MSW#1448 and therefore Waste Management only accounts for 171.6 acres, resulting in a 38.6-acre footprint shortage. ¹¹Nonetheless, based on the number of decades in which the existing landfill has operated at 10550 Tanner Road in Carverdale, a minority (black and brown) neighborhood of Houston, Harris County, Texas 77041, it is widely known that the landfill had reached disposal capacity and was dormant when Waste Management applied to the TCEQ for a permit major amendment to authorize the name change to The Hawthorn Park Recycling and Disposal Facility and the lateral and vertical expansion of the facility.

⁹Industrial and hazardous waste-permitted facilities are subject to closure requirements; but, as its name change from Hawthorn Park Landfill (HPL) to Hawthorn Park Recycling and Disposal Facility implies, HPL has reached capacity and Waste Management has applied for a permit to avoid closure, by installing a disposal facility on top of existing landfill waste. ²In any circumstance, no person may commence to install any structure on top of existing landfill waste as it would result in the disturbance of the final cover, risking groundwater contamination. Further, based on deficiencies in its equipment list, Waste Management intends to operate its ⁸Transfer, Storage, and Disposal Facility (TSDF) and manage hazardous waste without following the rules set forth in 40 CFR Parts 264/265, especially Subpart A-E regarding construction quality assurance (CQA); preparedness and prevention; and contingency plan and emergency procedures. All, while creating a (permanent) mountainous trash heap producing greenhouse gas.

¹When a landfill reaches capacity the owner may have it capped, covered permanently with a polyethylene cap and compacted soil, and planted with vegetation to prevent erosion by rainfall and wind; in addition, the owner must monitor and maintain the site for up to 30 years. Or, in the alternative, the owner may turn the site into green space; ⁶or a recognized government agency may have it designated as a brownfield. Even though TCEQ's Executive Director has determined that Waste Management's application is administratively complete; the PAA is not technically complete or legal. The plan is to have Permit Number 2185A denied; and, to have the Existing Landfill, Hawthorn Park Landfill, at 10550 Tanner Road, Houston, Texas 77041 closed. Thank you.

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TCEQ will conduct a Public Meeting on Tuesday, January 18, 2022, at 7:00 PM. You may access the meeting via webcast at: https://www.gotomeeting.com/webinar/join-webinar and entering Webinar ID 655-137-955, at least 15 minutes before the meeting begins. Those without internet access must call (512) 239-1201 at least one day prior to the meeting to register for the meeting and to obtain information for participating telephonically. Members of the public who wish to only listen to the meeting may call, toll free, (914) 614-3221 and enter access code 827-425-587. Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at 512-239-3300 or 1-800-RELAY-TX (TDD) at least five business days prior to the meeting.

Name: 1 regary Pladson

Address: 10222 maraces HOUSFOR TX 12041

Mail to: Office of the Chief Clerk, MC-105, TCEQ, P. O. Box 13087, Austin, TX 78711-3087; or comment electronically at https://www14.tceq.texas.gov/epic/eComment/; or fax to (512)239-3311, before the close of the public comment period. All comments submitted by fax must be followed by a hard copy within 3 days. Spanish:1-800-687-4040

Page: 4 of 4

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⁹Industrial and hazardous waste-permitted facilities are subject to closure requirements; but, as its name change from Hawthorn Park Landfill (HPL) to Hawthorn Park Recycling and Disposal Facility implies, HPL has reached capacity and Waste Management has applied for a permit to avoid closure, by installing a disposal facility on top of existing landfill waste. 2 In any circumstance, no person may commence to install any structure on top of existing landfill waste as it would result in the disturbance of the final cover, risking groundwater contamination. Further, based on deficiencies in its equipment list, Waste Management intends to operate its 8Transfer, Storage, and Disposal Facility (TSDF) and manage hazardous waste without following the rules set forth in 40 CFR Parts 264/265, especially Subpart A-E regarding construction quality assurance (CQA); preparedness and prevention; and contingency plan and emergency procedures. All, while creating a (permanent) mountainous trash heap producing greenhouse gas.

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Name: Revitalize America Partnership Address: 17518 Waverly Grove Dr. By: Myra Wrenn, Merident & Birector Houston, TX 77084

Mail to: Office of the Chief Clerk, MC-105, TCEQ, P. O. Box 13087, Austin, TX 78711-3087; or comment electronically at https://www14.tceq.texas.gov/epic/eComment/; or fax to (512)239-3311, before the close of the public comment period. All comments submitted by fax must be followed by a hard copy within 3 days. Spanish:1-800-687-4040

Revitalize America Partnership

January 15, 2022

Office of the Chief Clerk MC-105 TCEQ P. O. Box 13087 Austin, TX 78711-3087 JAN 18 2022 H

M&W 123200

Revitalize America Partnership, Inc., a charitable 501 (C) (3) organization, meets all the following requirements and requests a Contested Case Hearing because we do not believe the PAA is permissible in fact or in law:

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Respectfully submitted,

My MLU

Myra Wrehn, President and Director

Petition in Opposition to TCEQ Permit Number 2185A

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Address: 10222 proceed
HOUSFON TX 17041

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Name: Revitalize America Partnership Address: 17518 Waverly Grove Dr. By: Myra Wrenn, Musident & Director Houston, Tx 77084

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FAX COVER SHEET

TO	
COMPANY	
FAXNUMBER	15122393311
FROM	MyraJefferson
DATE	2022-01-15 17:05:14 GMT
RE	Request for Contested Case Hearing on TCEQ Permit
Number 2185A, S	Submitted by Revitalize America Partnership, Inc.

COVER MESSAGE

See attached.

Paul Worrall

From:

eFax Corporate < message@inbound.efax.com>

Sent:

Saturday, January 15, 2022 11:10 AM

To:

Fax3311

Subject:

Corporate eFax message from "18007731218" - 4 page(s)

Attachments:

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Formal Connent in Opposition to TCEQ Permit Number ∠185A

And Request that TCEQ Grants a Contested Case Hearing

Submitted by: Myra Jefferson, 5417 Gessner Road, Houston, Texas 77041

PROBLEM STATEMENT:

JAN 12 202

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Firstly, TCEQ Permit Number 2185A lacks transparency especially regarding the Existing Permit Number 2185; nonetheless, based on the number of decades in which it has operated in Carverdale at 10550. Tanner Road, Houston, Harris County, Texas 77041, it is widely held that it had reached disposal capacity and was dormant when Waste Management applied to the TCEQ for a permit major amendment to authorize the name change to The Hawthorn Park Recycling and Disposal Facility and the lateral and vertical expansion of the facility--essentially applying for a permit to install a new landfill on top of existing landfill waste, to avoid closure. However, under any circumstances, the Municipal Solid Waste Landfill (MSWLF) must begin closure operations within 30 days once it has received its final shipment of waste..."

2Regardless, no person may commence to install a new landfill on top of existing landfill waste as it would result in the disturbance of the final cover, without submitting a permit modification application for the closure plan and post closure plan of the existing permit.

Secondly, as the name change to Hawthorn Park Recycling and Disposal Facility implies, Waste Management intends to operate a ⁸Transfer, Storage, and Disposal Facility (TSDF) at 10550 Tanner Road, Houston, Harris County, Texas 77041 and store hazardous waste generated off-site without a permit; or without following the rules set forth in ⁹Title 30 TAC, Chapter 335, Subchapter B, Rule 335.41, requiring that only certain exempt hazardous waste and only hazardous waste generated on-site may be managed without a permit, creating a permanent mountainous trash heap producing greenhouse gas and disturbing the final cover of the existing landfill, thereby risking groundwater contamination.

¹When a landfill reaches capacity the owner may have it capped, covered permanently with a polyethylene cap and compacted soil, and planted with vegetation to prevent erosion by rainfall and wind; in addition, the owner must monitor and maintain the site for up to 30 years. Or, in the alternative, the owner may turn the site into green space; ⁶or a recognized government agency may have it designated as a brownfield. While TCEQ's Executive Director has determined that the application is administratively complete, it is apparent that it is not technically complete or legal; and I pray that TCEQ is unwilling to allow Waste Management to disregard TCEQ's Standards and TCEQ's Principles by approving the fraudulent permit application for The Hawthorn Park Recycling and Disposal Facility.

GOAL/OBJECTIVE STATEMENT:

The plan is to have a contested case hearing granted; and, to have The Hawthorn Park Recycling and Disposal Facility Permit Number 2185A denied; and, to prevent the installation of a new landfill on top of existing landfill waste at 10550 Tanner Road, Houston, Texas 77041; and, to have the landfill at 10550 Tanner Road, Houston, Texas 77041 closed; ⁷and, to have the landfill at 10550 Tanner Road, Houston, Texas 77041 designated as a brownfield by a recognized government agency and reused as a Solar Farm.

COMMUNITY BENEFITS:

⁴Revitalizing brownfields create environmental and economic benefits throughout the community in the form of increased property values, additional tax revenues, a reduction in crime and motor vehicle travel, improved air quality and improved water quality. ⁵And, a ground mount solar racking technology can transform a dormant landfill into a fully operational solar farm.

Formal Comment in Opposition to TCEQ Permit Number ∠185A And Request that TCEQ Grants a Contested Case Hearing Submitted by: Myra Jefferson, 5417 Gessner Road, Houston, Texas 77041

Bibliography

- ¹American Environmental Landfill, Inc. "How A Landfill Works." https://aelok.com/wp-content/uploads/manual/HowaLandfillWorks.pdf
- ²Texas Commission on Environmental Quality (TCEQ). "Chapter 330-Municipal Solid Waste." March 27, 2006. https://www.tceq.texas.gov/assets/public/legal/rules/rules/pdflib/330t.pdf
- ³United States Environmental Protection Agency. "Requirements for Municipal Solid Waste Landfills (MSWLFs)." "Closure and Post-Closure Requirements."

 https://www.epa.gov/landfills/requirements-municipal-solid-waste-landfills-mswlfs#closure
- ⁴Sullivan, Karen. "Brownfields Remediation: Impact on Local Residential Property Tax Revenue." *Journal of Environmental Assessment Policy and Management* 19(3).2017. https://www.worldscientific.com/doi/pdf/10.1142/S1464333217500132,
- ⁵Nuance Energy. "Landfills and Brownfields." https://nuanceenergy.com/markets/brownfield-landfill-solar
- ⁶Local Housing Solutions. "Brownfields." https://localhousingsolutions.org/housing-policy-library/brownfields/
- ⁷Haninger, Kevin, Ma, Lala and Timmins, Christopher. "The Value of Brownfield Remediation." *Journal of the Association of Environmental and Resource Economists* 4(1): 197-241. 2017. https://www.journals.uchicago.edu/doi/pdfplus/10.1086/689743.
- ⁸United States Environmental Protection Agency (EPA). "Introduction to Treatment, Storage, and Disposal Facilities." September 2005. https://www.epa.gov/sites/default/files/2015-07/documents/tsdf05.pdf
- ⁹Texas Administrative Code. "Title 30 TAC, Chapter 335, Subchapter B, Rule 335.41."

 <a href="https://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_t loc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=335&rl=41"

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Lori Rowe

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PUBCOMMENT-OCC

Sent:

Tuesday, January 11, 2022 10:32 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Corporate eFax message from "18007731218" - 3 page(s)

Attachments:

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From: Fax3311 <fax3311@tceq.texas.gov> Sent: Tuesday, January 11, 2022 10:15 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Cc: Laurie Gharis < Laurie. Gharis@tceq.texas.gov>

Subject: FW: Corporate eFax message from "18007731218" - 3 page(s)

Laurie Gharis

Office of the Chief Clerk

Texas Commission on Environmental Quality

Office Phone: 512-239-1835 Cell Phone: 512-739-4582

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From: eFax Corporate <message@inbound.efax.com>

Sent: Saturday, January 8, 2022 11:07 AM To: Fax3311 < fax3311@tceq.texas.gov >

Subject: Corporate eFax message from "18007731218" - 3 page(s)



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this message or your service. You may also contact Corporate Support:

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Email: corporatesupport@mail.efax.com

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FAX COVER SHEET

TO	
COMPANY	
FAXNUMBER	15122393311
FROM	MyraJefferson
DATE	2022-01-08 17:04:23 GMT
RE	Formal Comment In Opposition to TCEQ Permit 2185A,
Submitted by Myra	Jefferson, 5417 Gessner Road, Houston, Texas 77041

COVER MESSAGE

Attached is Myra Jefferson's Formal Comment in Opposition to TCEQ Permit 2185A.

From: Myra Jefferson

Formal Comment in Opposition to TCEQ Permit Number 2185A
And Request that TCEQ Grants a Contested Case Hearing
Submitted by: Myra Jefferson, 5417 Gessner Road, Houston, Texas 77041

PROBLEM STATEMENT:

Firstly, TCEQ Permit Number 2185A lacks transparency especially regarding the Existing Permit Number 2185; nonetheless, based on the number of decades in which it has operated in Carverdale at 10550 Tanner Road, Houston, Harris County, Texas 77041, it is widely held that it had reached disposal capacity and was dormant when Waste Management applied to the TCEQ for a permit major amendment to authorize the name change to The Hawthorn Park Recycling and Disposal Facility and the lateral and vertical expansion of the facility—essentially applying for a permit to install a new landfill on top of existing landfill waste, to avoid closure. ³However, under any circumstances, the Municipal Solid Waste Landfill (MSWLF) must begin closure operations within 30 days once it has received its final shipment of waste..." ²Regardless, no person may commence to install a new landfill on top of existing landfill waste as it would result in the disturbance of the final cover, without submitting a permit modification application for the closure plan and post closure plan of the existing permit.

Secondly, as the name change to Hawthorn Park Recycling and Disposal Facility implies, Waste Management intends to operate a ⁸Transfer, Storage, and Disposal Facility (TSDF) at 10550 Tanner Road, Houston, Harris County, Texas 77041 and store hazardous waste generated off-site without a permit; or without following the rules set forth in ⁹Title 30 TAC, Chapter 335, Subchapter B, Rule 335.41, requiring that only certain exempt hazardous waste and only hazardous waste generated on-site may be managed without a permit, creating a permanent mountainous trash heap producing greenhouse gas and disturbing the final cover of the existing landfill, thereby risking groundwater contamination.

¹When a landfill reaches capacity the owner may have it capped, covered permanently with a polyethylene cap and compacted soil, and planted with vegetation to prevent erosion by rainfall and wind; in addition, the owner must monitor and maintain the site for up to 30 years. Or, in the alternative, the owner may turn the site into green space; ⁶or a recognized government agency may have it designated as a brownfield. While TCEQ's Executive Director has determined that the application is administratively complete, it is apparent that it is not technically complete or legal; and I pray that TCEQ is unwilling to allow Waste Management to disregard TCEQ's Standards and TCEQ's Principles by approving the fraudulent permit application for The Hawthorn Park Recycling and Disposal Facility.

GOAL/OBJECTIVE STATEMENT:

The plan is to have a contested case hearing granted; and, to have The Hawthorn Park Recycling and Disposal Facility Permit Number 2185A denied; and, to prevent the installation of a new landfill on top of existing landfill waste at 10550 Tanner Road, Houston, Texas 77041; and, to have the landfill at 10550 Tanner Road, Houston, Texas 77041 closed; ⁷ and, to have the landfill at 10550 Tanner Road, Houston, Texas 77041 designated as a brownfield by a recognized government agency and reused as a Solar Farm.

COMMUNITY BENEFITS:

⁴Revitalizing brownfields create environmental and economic benefits throughout the community in the form of increased property values, additional tax revenues, a reduction in crime and motor vehicle travel, improved air quality and improved water quality. ⁵And, a ground mount solar racking technology can transform a dormant landfill into a fully operational solar farm.

Formal Comment in Opposition to TCEQ Permit Number 2185A

And Request that TCEQ Grants a Contested Case Hearing

Submitted by: Myra Jefferson, 5417 Gessner Road, Houston, Texas 77041

Bibliography

- ¹American Environmental Landfill, Inc. "How A Landfill Works." https://aelok.com/wp-content/uploads/manual/HowaLandfillWorks.pdf
- ²Texas Commission on Environmental Quality (TCEQ). "Chapter 330-Municipal Solid Waste." March 27, 2006. https://www.tceq.texas.gov/assets/public/legal/rules/rules/pdflib/330t.pdf
- ³United States Environmental Protection Agency. "Requirements for Municipal Solid Waste Landfills (MSWLFs)." "Closure and Post-Closure Requirements." https://www.epa.gov/landfills/requirements-municipal-solid-waste-landfills-mswlfs#closure
- ⁴Sullivan, Karen. "Brownfields Remediation: Impact on Local Residential Property Tax Revenue." *Journal of Environmental Assessment Policy and Management* 19(3).2017. https://www.worldscientific.com/doi/pdf/10.1142/S1464333217500132,
- ⁵Nuance Energy. "Landfills and Brownfields." https://nuanceenergy.com/markets/brownfield-landfill-solar
- ⁶Local Housing Solutions. "Brownfields." https://localhousingsolutions.org/housing-policy-library/brownfields/
- ⁷Haninger, Kevin, Ma, Lala and Timmins, Christopher. "The Value of Brownfield Remediation." *Journal of the Association of Environmental and Resource Economists 4(1): 197-241.* 2017. https://www.journals.uchicago.edu/doi/pdfplus/10.1086/689743.
- ⁸United States Environmental Protection Agency (EPA). "Introduction to Treatment, Storage, and Disposal Facilities." September 2005. https://www.epa.gov/sites/default/files/2015-07/documents/tsdf05.pdf
- PTexas Administrative Code. "Title 30 TAC, Chapter 335, Subchapter B, Rule 335.41."

 https://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_t
 loc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=335&ri=41

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Monday, January 10, 2022 8:46 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

PROPOSAL_TO_TURN_WASTE_MANAGEMENT'S_LANDFILL_IN_

CARVERDALE_INTO_A_SOLAR_FARM_REVISED.pdf

MSW

123200

Н

From: myraajefferson@gmail.com <myraajefferson@gmail.com>

Sent: Saturday, January 8, 2022 10:59 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Myra Jefferson

E-MAIL: myraajefferson@gmail.com

COMPANY:

ADDRESS: 5417 GESSNER RD HOUSTON TX 77041-7405

PHONE: 2813890237

FAX:

COMMENTS: Formal Comment in Opposition to TCEQ Permit Number 2185A And Request that TCEQ Grants a Contested Case Hearing Submitted by: Myra Jefferson, 5417 Gessner Road, Houston, Texas 77041 PROBLEM STATEMENT: Firstly, TCEQ Permit Number 2185A lacks transparency especially regarding the Existing Permit Number 2185; nonetheless,

based on the number of decades in which it has operated in Carverdale at 10550 Tanner Road, Houston, Harris County, Texas 77041, it is widely held that it had reached disposal capacity and was dormant when Waste Management applied to the TCEQ for a permit major amendment to authorize the name change to The Hawthorn Park Recycling and Disposal Facility and the lateral and vertical expansion of the facility--essentially applying for a permit to install a new landfill on top of existing landfill waste, to avoid closure.3However, under any circumstances, the Municipal Solid Waste Landfill (MSWLF) must begin closure operations within 30 days once it has received its final shipment of waste..." 2Regardless, no person may commence to install a new landfill on top of existing landfill waste as it would result in the disturbance of the final cover, without submitting a permit modification application for the closure plan and post closure plan of the existing permit. Secondly, as the name change to Hawthorn Park Recycling and Disposal Facility implies, Waste Management intends to operate a 8Transfer, Storage, and Disposal Facility (TSDF) at 10550 Tanner Road, Houston, Harris County, Texas 77041 and store hazardous waste generated off-site without a permit; or without following the rules set forth in 9Title 30 TAC, Chapter 335, Subchapter B, Rule 335.41, requiring that only certain exempt hazardous waste and only hazardous waste generated on-site may be managed without a permit, creating a permanent mountainous trash heap producing greenhouse gas and disturbing the final cover of the existing landfill, thereby risking groundwater contamination. 1When a landfill reaches capacity the owner may have it capped, covered permanently with a polyethylene cap and compacted soil, and planted with vegetation to prevent erosion by rainfall and wind; in addition, the owner must monitor and maintain the site for up to 30 years. Or, in the alternative, the owner may turn the site into green space; 6or a recognized government agency may have it designated as a brownfield. While TCEQ's Executive Director has determined that the application is administratively complete, it is apparent that it is not technically complete or legal; and I pray that TCEQ is unwilling to allow Waste Management to disregard TCEQ's Standards and TCEQ's Principles by approving the fraudulent permit application for The Hawthorn Park Recycling and Disposal Facility. GOAL/OBJECTIVE STATEMENT: The plan is to have a contested case hearing granted; and, to have The Hawthorn Park Recycling and Disposal Facility Permit Number 2185A denied; and, to prevent the installation of a new landfill on top of existing landfill waste at 10550 Tanner Road, Houston, Texas 77041; and, to have the landfill at 10550 Tanner Road, Houston, Texas 77041 closed; 7and, to have the landfill at 10550 Tanner Road, Houston, Texas 77041 designated as a brownfield by a recognized government agency and reused as a Solar Farm. COMMUNITY BENEFITS: 4Revitalizing brownfields create environmental and economic benefits throughout the community in the form of increased property values, additional tax revenues, a reduction in crime and motor vehicle travel, improved air quality and improved water quality.5And, a ground mount solar racking technology can transform a dormant landfill into a fully operational solar farm. Bibliography 1American Environmental Landfill, Inc. "How A Landfill Works." https://aelok.com/wpcontent/uploads/manual/HowaLandfillWorks.pdf 2Texas Commission on Environmental Quality (TCEQ). "Chapter 330-Municipal Solid Waste." March 27, 2006.

https://www.tceq.texas.gov/assets/public/legal/rules/rules/pdflib/330t.pdf 3United States Environmental Protection Agency. "Requirements for Municipal Solid Waste Landfills (MSWLFs)." "Closure and Post-Closure Requirements." https://www.epa.gov/landfills/requirements-municipal-solid-waste-landfills-mswlfs#closure 4 Sullivan, Karen. "Brownfields Remediation: Impact on Local Residential Property Tax Revenue." Journal of Environmental Assessment Policy and Management 19(3).2017. https://www.worldscientific.com/doi/pdf/10.1142/S1464333217500132, 5Nuance Energy. "Landfills and Brownfields." https://www.epa.gov/sites/localhousingsolutions.org/housing-policylibrary/brownfields/ 7Haninger, Kevin, Ma, Lala and Timmins, Christopher. "The Value of Brownfield Remediation." Journal of the Association of Environmental and Resource Economists 4(1): 197-241. 2017. https://www.journals.uchicago.edu/doi/pdfplus/10.1086/689743. 8United States Environmental Protection Agency (EPA). "Introduction to Treatment, Storage, and Disposal Facilities." September 2005. https://www.epa.gov/sites/default/files/2015-07/documents/tsdf05.pdf 9Texas Administrative Code. "Title 30

https://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_t loc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=335&rl=41

TAC, Chapter 335, Subchapter B, Rule 335.41."

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Formal Comment in Opposition to TCEQ Permit Number 2185A And Request that TCEQ Grants a Contested Case Hearing Submitted by: Myra Jefferson, 5417 Gessner Road, Houston, Texas 77041

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- ¹American Environmental Landfill, Inc. "How A Landfill Works." https://aelok.com/wp-content/uploads/manual/HowaLandfillWorks.pdf
- ²Texas Commission on Environmental Quality (TCEQ). "Chapter 330-Municipal Solid Waste." March 27, 2006. https://www.tceq.texas.gov/assets/public/legal/rules/pdflib/330t.pdf
- ³United States Environmental Protection Agency. "Requirements for Municipal Solid Waste Landfills (MSWLFs)." "Closure and Post-Closure Requirements."

 https://www.epa.gov/landfills/requirements-municipal-solid-waste-landfills-mswlfs#closure
- ⁴Sullivan, Karen. "Brownfields Remediation: Impact on Local Residential Property Tax Revenue." *Journal of Environmental Assessment Policy and Management* 19(3).2017. https://www.worldscientific.com/doi/pdf/10.1142/S1464333217500132,
- ⁵Nuance Energy. "Landfills and Brownfields." https://nuanceenergy.com/markets/brownfield-landfill-solar
- ⁶Local Housing Solutions. "Brownfields." https://localhousingsolutions.org/housing-policy-library/brownfields/
- ⁷Haninger, Kevin, Ma, Lala and Timmins, Christopher. "The Value of Brownfield Remediation." *Journal of the Association of Environmental and Resource Economists 4(1): 197-241.* 2017. https://www.journals.uchicago.edu/doi/pdfplus/10.1086/689743.
- ⁸United States Environmental Protection Agency (EPA). "Introduction to Treatment, Storage, and Disposal Facilities." September 2005. https://www.epa.gov/sites/default/files/2015-07/documents/tsdf05.pdf
- ⁹Texas Administrative Code. "Title 30 TAC, Chapter 335, Subchapter B, Rule 335.41."

 <a href="https://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_t_loc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=335&rl=41

Ellie Guerra

From:

PUBCOMMENT-OCC

Sent:

Monday, February 27, 2023 11:17 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

2185ADANCYROADMAP.pdf

From: myraajefferson@gmail.com <myraajefferson@gmail.com>

Sent: Thursday, February 23, 2023 9:26 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER: 2023-0265-MSW

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Myra Jefferson

EMAIL: myraajefferson@gmail.com

COMPANY: Revitalize America Partnership

ADDRESS: 5417 GESSNER RD HOUSTON TX 77041-7405

PHONE: 2813890237

FAX:

COMMENTS: #2. Attached is a map that shows Dancy Road, a right-of-way that crosses the landfill.

PART II APPENDIX IIE ENDANGERED SPECIES

APPENDIX IIE-1 TEXAS PARKS AND WILDLIFE DEPARTMENT (TPWD) DOCUMENTATION

Appendix IIE-1A Request for Review Letter



May 15, 2020

Laura Zebehazy

Texas Parks and Wildlife Department Wildlife Habitat Assessment Program 4200 Smith School Road Austin, TX 78744

Ms. Zebehazy,

The applicant, Golder Associates Inc. (Golder) on behalf of USA Waste of Texas Landfills, Inc (USA Waste) is requesting Texas Parks and Wildlife Department (TPWD) concurrence on determinations made for state listed rare, threatened and endangered (T&E) species habitat associated with the Hawthorn Park Landfill Expansion Project (Project) for compliance with TPWD's Wildlife Habitat Assessment Program. The Project is located on an approximate 253-acre tract, north of Tanner Road, west of Gessner Road, and east of the Sam Houston Parkway in Houston, Harris County, Texas. (Please refer to the attached maps in the State Listed Rare, T&E Species Habitat Assessment Report).

USA Waste is proposing expansion of the existing Hawthorn Park Landfill currently permitted as Texas Commission on Environmental Quality (TCEQ) Municipal Solis Waste (MSW) Permit No. 2185. The Project's expansion includes increasing the permitted area for landfill development to approximately 211 acres by including additional adjacent properties and previously abandoned road rights-of-ways (ROWs). Approximately 96% of the proposed permit area has been previously developed as part of ongoing landfill operations, recycling areas, access roads, and drainage features.

The expansion will also include completion of a detention basin located adjacent and east of the property. The detention pond will encompass approximately 45 acres and was approved by the City of Houston and Harris County Flood Control District in 1995. Construction of this detention pond has continued as part of ongoing landfill construction and operations. The Project is surrounded on all sides by commercial and residential developments. The Project's survey area is primarily composed of an existing landfill and there are sections devoted for concrete recycling and organic mulching. The site is covered by fill and contains primarily herbaceous vegetation. The majority of the site is heavily disturbed with little natural habitat remaining.

Golder biologists conducted a site assessment for the Project on March 9-12, 2020 to identify the presence of any state listed rare, T&E species or presence of suitable habitats. Golder reviewed the TPWD Annotated County Lists of Rare Species for Harris County, Texas Natural Diversity Database (TNXDD), and Migratory Bird Ecoregional Checklist to ascertain the lists of protected species with potential to occur within the Project's survey area. Review of these databases identified 83 state listed rare, T&E species.

None of the 83 state listed species were observed within the Project survey area during field surveys. Potentially suitable habitat is present within the Project area for 29 of the listed species. However, due to the sparse and

fragmented habitats located within the survey area, minimal tree clearing that would occur, and the temporary nature of the majority of the Project work, it is Golder's professional opinion that the Project will not result in significant impacts on state listed rare, threatened and endangered species or species habitat. Please send a response indicating TPWD's approval of their compliance in coordination with the Wildlife Habitat Assessment Program. Also note that U.S. Fish and Wildlife Service informal Section 7 Endangered Species Act consultations are currently ongoing.

A copy of the State Listed Species Habitat Assessment Report has been included for your convenience. Please contact Ashley Thompson at (941) 773-1848 or by email at Ashley_Thompson@Golder.com for any questions or require further information.

Ashley Thompson

Senior Project Biologist

Amuy Drumpon

Jacob Trahan

Project Manager

fe fe

Attachments: Attachment 1: TPWD Wildlife Habitat Assessment Program Review Request

Attachment 2: State Listed Species Habitat Assessment Report

Appendix IIE-1B

Wildlife Habitat Assessment Program Review Request Form



Project Coordination and Review Requests

(Including Threatened and Endangered Species)

EARLY PROJECT COORDINATION

If you are in the information gathering phase of project coordination and assessment, *in lieu of* submitting a Project Review form or a letter request, you may obtain information from the following Texas Parks and Wildlife Department (TPWD) sources regarding sensitive resource information for use in your analyses. TPWD recommends you use at least the following two sources of information when analyzing for project impacts to sensitive resources, including before submitting a request for TPWD review and recommendations.

RARE, THREATENED, AND ENDANGERED SPECIES OF TEXAS BY COUNTY - This database includes lists of species known to occur and potentially occurring in Texas at the county level. It can be accessed online at: http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered species/ or by contacting our administrative staff at (512) 389-4571. Appropriate use and interpretation of the county level lists are the responsibility of the recipient.

TEXAS NATURAL DIVERSITY DATABASE (TXNDD) – The TXNDD is publicly available location specific data on rare, threatened and endangered species, natural communities and other significant features of conservation concern to TPWD. This information can be obtained by submitting a data request to txndd@tpwd.state.tx.us. Response to a data request will include available TXNDD records, reports, and geographic information system compatible shapefiles of recorded locations for species and other rare resources on the U.S. Geological Survey (USGS) 7.5 minute topographic quadrangle of the project and surrounding area. Responses generally take a maximum of five business days from receipt of the request. Appropriate use and interpretation of TXNDD data are the responsibility of the recipient.

WILDLIFE HABITAT ASSESSMENT (WHAB) PROGRAM REVIEW

PROJECT REVIEW REQUESTS – The WHAB Program can provide a review of your assessment, after your analysis for impacts using the above two data sources. Please complete the WHAB Review Request form (attached; use Word format for fill-in version), or use the form as an outline of information to include with your letter request. The WHAB Program response will provide an evaluation of your environmental assessment for impacts to fish and wildlife and their habitats, including rare, threatened, and endangered species, other significant resources and concerns presently known or potentially occurring in the vicinity of your project. WHAB Program responses generally take 4 to 6 weeks on average from receipt, depending on the size of your request.

The request should include all the information listed on the next two pages and be sent to the address shown on the last page. The more pertinent information you provide, the more customized our review, and the faster our turnaround. Review requests submitted without adequate project detail may cause a delay in our response as we will need to contact you and wait for supplemental information. The potential for adverse impacts to natural resources from project activities varies based on the type of activity; location; season; vegetation; present physical features (both natural and man-made); degree of disturbance; planned avoidance, minimization, mitigation, enhancement, and restoration measures; species-specific tolerance levels; etc. Current color photographs and aerial photographs of the site greatly facilitate the review process. Complete information allows us to more accurately assess the potential for project impacts, as well as, assists us in narrowing the list of rare, threatened, and endangered species and other natural resources that may need to be addressed further.



WILDLIFE HABITAT ASSESSMENT PROGRAM Review Requests

(Including Threatened and Endangered Species)

Na	me: Ashley Thompson Date: May 15, 2020
Yo	ur Company: Golder Associates, Inc. Phone: (941) 773-1848
Yo	ur Company Address: 14950 Heathrow Forest Parkway, Suite 280 Fax: ()
Cit	y, State, Zip: Houston, TX 78744 E-mail: Ashley_Thompson@golder.com
	oject Title, Number d Site Location: Hawthorn Park Landfill Expansion Project County(ies): Harris
1.	Scope of Project:(a) What regulations will this review help you to comply with? OR, if not regulatory, why is the review being requested? Who is the project sponsor?
	Please see attached State Listed Species Habitat Assessment Report
	(b) What and where is the project site? What activities will be conducted at the site? (Especially activity types, extent, boundaries, length & width, waterways, vegetation disturbance, and total acreage of site and acreage of the site that will be disturbed)
	The Project is an approximate 253-acre tract located north of Tanner Road, west of Gessner Road, and east of the Sam Houston Parkway in Houston, Harris County, Texas.
	(c) If this request is for a site investigation or risk assessment, why is the site being investigated? If applicable, what contaminant pathways are being evaluated?
	Please see attached State Listed Species Habitat Assessment Report
	(d) Schedule of activities – Approximately when (which calendar months, how many years) will the project be active on the site?
2.	Vegetation: Species, dominant plants, structure and composition, vegetation layers, height of layers, natural vegetation community types. Please see attached State Listed Species Habitat Assessment Report
3.	Other Natural Resources/Physical Features:
	(a) Soils, geology, watercourses, aquifers, flood zones, etc.
	Please see attached State Listed Species Habitat Assessment Report
	(b) Habitat, animals, animal assemblages, other sensitive features, etc.
	Please see attached State Listed Species Habitat Assessment Report
4.	Existing Site Development: Extent of pavement, gravel, shell, or other cover; buildings, landscaped, xeriscaped, drainage system, etc.
	Please see attached State Listed Species Habitat Assessment Report
5.	Historic Use/Function of Site: Pasture, forest, urban, row crops, rangeland, wetland, etc. If the request is for a risk assessment, when was, or for how long, has the site been active, inactive? Are cultural resources present on the site or will the project cross or impact state or federal lands, local parklands?
	Please see attached State Listed Species Habitat Assessment Report
6.	Has a threatened and endangered species survey or assessment, wetland delineation, or other biological assessment already been performed? (In general, TPWD recommends an on-site habitat assessment be performed.) Yes No
	(a) If yes, provide surveyor name, qualifications, methods or protocols, acreage surveyed, level of effort, weather conditions, time of day, and dates the survey was performed.

Jeremy Munz and Kyle Brewer - Golder Associates Inc. Please see attached State Listed Species Habitat Assessment Report



WILDLIFE HABITAT ASSESSMENT PROGRAM

Review Requests (Continued) (Including Threatened and Endangered Species)

6.	(b) If yes, please provide results and copy of survey/assessment report.
7.	Could current on-site or adjacent habitat support rare species? Yes No Specifically, explain why or why not.
	Please see attached State Listed Species Habitat Assessment Report
8.	Provide a description of potential negative direct and indirect impacts from proposed project activities or former and current site activities, such as types of habitat and acreage to be degraded or lost, temporarily and permanently. Also, describe cumulative effects that could be anticipated from the project on the natural environment.
	Project activities are not anticpated to result in significant impacts on state listed rare, threatened or endangered species or their habitats. Please see the attached State Listed Species Habitat Assessment Report for a detailed impact assessment.
9.	Provide a description of planned beneficial mitigation and enhancements or restoration efforts. Be sure to note the avoidance, minimization, and compensatory mitigation measures planned to address the threat of negative impacts (e.g. which erosion control measures will be used, what will site restoration activities encompass, etc.).
	No mitigation or enhancements have been planned for the project since it is a previously permitted landfill site.
10.	Include copies of coordination with other agencies relevant to impacts or enhancements of natural resources for this project, or agency & contact name.
11.	Clearly delineate exact location of site and its boundaries using an applicable USGS quad (most preferable) as the base layer or best map available. The topographic map citation should include the USGS quad name. The map must contain identifiable features and a scale that allows us to find your site and accurately pinpoint your site boundaries. When using internet maps, provide both a location map (zoomed out for highway reference) and a layout map (zoomed in for site features, boundaries, and neighboring street reference)
12.	Originals or color-copy photographs of site and surrounding area with captions or narratives.
13.	Aerial photographs with pertinent features labeled. Aerials should show the year photograph was taken.

Send completed form to:

Texas Parks and Wildlife Department
Wildlife Division
Wildlife Habitat Assessment Program
4200 Smith School Road
Austin, Texas 78744-3291
(512) 389-4571 (Phone) (512) 389-4599 (Fax)

Texas Parks and Wildlife Department maintains the information collected through this form. With few exceptions, you are entitled to be informed about the information we collect. Under Sections 552.021 and 552.023 of the Texas Government Code, you are also entitled to receive and review the information. Under Section 559.004, you are also entitled to have this information corrected.

Appendix IIE-1C

State Listed Species Habitat Assessment Report



REPORT

State Listed Species Habitat Assessment Report

Hawthorn Park Landfill Expansion Project

Submitted to:

Texas Parks and Wildlife Department - Wildlife Division

Wildlife Habitat Assessment Program 4200 Smith School Road Austin, TX 78744

Submitted by:

Golder Associates, Inc.

14950 Heathrow Forest Parkway, Suite 280 Houston, Texas 77032

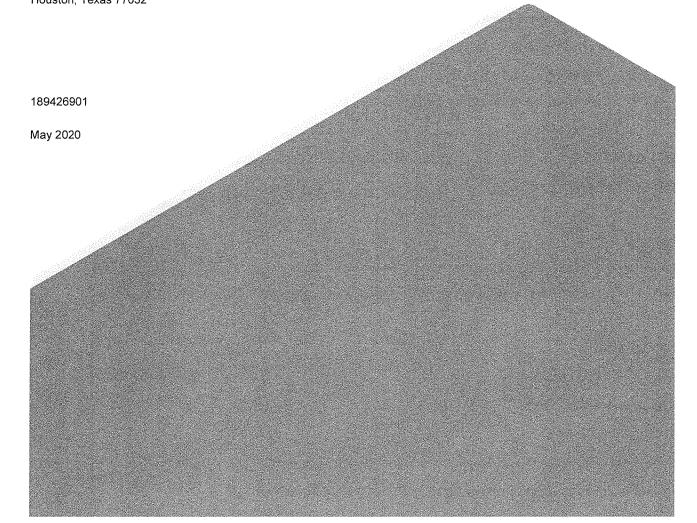


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Appendix B - Datasheets

Appendix C - Photolog

Appendix D - TPWD Annotated County List of Rare Species - Harris County

Appendix E – Texas Natural Diversity Database Element Occurrence Data



1

1.0 INTRODUCTION

Golder Associates (Golder) was retained by USA Waste of Texas Landfills, Inc (USA Waste) to perform a biological resource habitat assessment for state listed Rare, Threatened and Endangered (T&E) species for the Hawthorn Park Landfill Expansion Project (Project) as part of the Texas Parks and Wildlife Department (TPWD) Wildlife Habitat Assessment Program. USA Waste is proposing expansion of the existing Hawthorn Park Landfill currently permitted as Texas Commission on Environmental Quality (TCEQ) Municipal Solis Waste (MSW) Permit No. 2185. This report is completed in compliance with applicable TCEQ MSW permitting requirements for Wetlands (30 Texas Administrative Code [TAC] §330.61(m)) and Endangered or Threatened Species (30 TAC §330.61(n)). The Project is located north of Tanner Road, west of Gessner Road, and east of the Sam Houston Parkway in Houston, Harris County, Texas. The biological resource habitat assessment consisted of the identification of species occurrence and potentially suitable habitat located within the Project's approximate 253-acre survey area (survey area).

2.0 PROJECT DESCRIPTION

USA Waste is proposing expansion of the existing Hawthorn Park Landfill. The Project's expansion includes increasing the permitted area for landfill development to approximately 211 acres by including additional adjacent properties and previously abandoned road rights-of-ways (ROWs). Approximately 96% of the proposed permit area has been previously developed as part of ongoing landfill operations, recycling areas, access roads, and drainage features.

The expansion will also include completion of a detention basin located adjacent and east of the property. The detention pond will encompass approximately 45 acres and was approved by the City of Houston and Harris County Flood Control District in 1995. Construction of this detention pond has continued as part of ongoing landfill construction and operations.

3.0 METHODOLOGY

3.1 Background Review

Prior to conducting field surveys, Golder reviewed published information for the survey areas to gain an understanding of the existing site conditions. Golder reviewed information from the following sources:

- United States Geologic Survey (USGS) topographic survey maps;
- Historic and current aerial photographs;
- Natural Resources Conservation Service (NRCS) soil survey database;
- Texas Parks and Wildlife Department (TPWD) Texas Natural Diversity Database (TXNDD);
- TPWD Annotated County Lists of Rare, Threatened and Endangered Species; and
- TPWD and Texas Partners in Flight Migratory Bird Ecoregion Checklist.

3.1.1 USGS Topographic Survey Maps and Aerial Photography

Golder reviewed the USGS 7.5 Quadrangle Topographic Map, Hedwig Village, Texas prior to conducting field surveys. The topographic maps identified areas that historically contained ponds and streams throughout the Project survey area. Recent aerial photography reveals a system of ponds and drainage ditches that direct the flow of stormwater from the west to the east across the Project area.

3.1.2 Soils

The NRCS soils data lists two soil series within the Project (Appendix A). Table 1 below presents the soil data for the Project survey area.

Table 1: NRCS Soils Located within the Project Survey Area

Soil Series Map Unit	Soil Map Unit Symbol	Slope Percentage	Hydric Rating
Cyfair-Urban Land Complex	CyuA	0 – 1	Not Hydric
Addicks-Urban Land Complex	Ak	0 – 1	Hydric

3.1.3 Texas Natural Diversity Database

Golder requested the TXNDD data for the USGS 7.5 Quadrangle Topographic Map, Hedwig Village, Texas prior to conducting field surveys (Appendix E). The TXNDD data identified eight element occurrences (EO) occurring within a 1-mile buffer of the Project. These include the Southern Crawfish Frog (*Litobates areolatus areolatus*), Coastal Gay-Feather (*Liatris bracteata*), Awnless Bluestem (*Bothriochloa exaristata*), Houston Toad (*Anaxyrus houstonensis*), Tharp's Dropseed (*Sporobolus tharpii*), Houston Daisy (*Rayjacksonia aurea*), Texas Windmill Grass (*Chloris texensis*), and Texas Prairie Dawn (*Hymenoxys texana*). Two of which (Southern Crawfish Frog and Houston Toad) overlap the survey area.

3.1.4 State Listed Rare, Threatened and Endangered Species

Golder reviewed the TPWD annotated county list of rare, threatened and endangered species known to potentially occur within Harris County, Texas (Appendix D). The review identified 83 species potentially occurring within the Project. Table 2 in Section 4.2 presents each of these species along with their general habitat requirements and anticipated Project impacts.

3.1.5 Migratory Bird Ecoregion Checklist

Golder reviewed the TPWD and Texas Partners in Flight Migratory Bird Ecoregion Checklist for Region 6 – Coastal Prairies. As of the time of this report the ecoregional checklist has not been completed.

3.2 Rare, Threatened and Endangered Species Surveys

The biological resources habitat assessment consisted of an initial background review of the Project and pedestrian surveys conducted in the field within the Project survey area to observe and record existing site conditions. The TPWD TXNDD EO list and Harris County list for Rare, T&E species was reviewed prior to conducting field surveys to identify any state listed species that could potentially be located within the Project survey area (Appendices E and D, respectively). Aerial photographs and topographic maps were used along with the habitat characterization data collected in the field to perform the species habitat assessments.

Golder biologists conducted the biological resource habitat assessment survey on March 9-12, 2020 to determine the presence of state listed Rare, T&E species or if suitable habitat for state listed Rare, T&E species is present within the Project survey area. Surveys were conducted along meandering transects and field maps and a submeter GPS with the survey area boundaries were used for navigation. Observations were recorded and

May 2020

photographs were taken of general habitat characteristics. A photolog with representative site photographs taken during the survey are provided in Appendix C.

4.0 FIELD SURVEY RESULTS

Golder conducted the field surveys within the Project survey area, shown in the mapping exhibits provided in Appendix A. Datasheets documenting hydrology, vegetation, and soil conditions at the site are located in Appendix B. Photographs taken at the site depicting conditions documented within the Project survey areas are provided in Appendix C. Land use types within the upland areas consists of industrial areas, pipeline ROWs, forested areas, and existing restored portions of the landfill.

4.1 Vegetation

Characteristic vegetation observed within the Project survey area consisted of bermudagrass (*Cynodon dactylon*), Carolina geranium (*Geranium carolinianum*), huisache (*Vachellia farnesiana*), King Ranch bluestem (*Bothriochloa ischaemum*), sawtooth hackberry (*Rubus argutus*), white mulberry (*Morus alba*), black mustard (*Brassica rapa*), Texas thistle (*Cirsium texanum*), American elm (*Ulmus americana*), water oak (*Quercus nigra*), sugar hackberry (*Celtis laevigata*), Alabama supplejack (*Berchemia scandens*), American sycamore (*Platanus occidentalis*), Chinese tallow (*Triadica sebifera*), woodrush flatsedge (*Cyperus entrerianus*), spikerush (*Eleocharis montevidensis*), broadleaf cattail (*Typha latifolia*), and black willow (*Salix nigra*).

4.2 Rare, Threatened and Endangered Species

The TPWD Harris County species list identified 83 state listed rare, T&E species that could potentially occur within the Project survey area. Table 2 below presents each of these 83 species, their associated habitats, and anticipated Project impacts.

May 2020

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Table 2: State Listed Rare, Threatened and Endangered Species Potentially Occurring within the Project

State Status State Status The energies' preferred habitet includes foreste fields ewemps marches irrinstion
ditches, and temporarily flooded areas. While potentially suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented. No individuals were observed during field surveys and there are vast areas of more suitable habitat surrounding the survey area.
The species' preferred habitat includes forests with deep sandy soils. Adults and juveniles are presumed to move through areas of less suitable habitat using riparian corridors. The survey area does not contain suitable habitat or soils preferred by the species; the survey area is a previously disturbed landfill site and soils are heavy clay and highly disturbed. Although the TXNDD identified an historical element occurrence within the survey area, potentially suitable habitat is no longer present within the survey area.
The species preferred habitat consists terrestrial and aquatic systems ranging from grasslands, pasture and intact prairie or isolated grasslands in the middle of large forested areas to ephemeral wetlands. While potentially suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented. Although the TXNDD identified an element occurrence within the survey area no individuals of the species were observed during field surveys.
The species prefers vegetated riparian and aquatic zones of spring fed, sandy bottom streams and baygalls in forested areas. The Survey area does not contain any spring fed streams with sandy bottoms; therefore, no suitable habitat is located within the survey area.

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Anticipated Project Impacts	No Impact Anticipated	No Impact Anticipated		No Impact Anticipated	May Impact	May Impact	No Impact Anticipated
*Habitat Requirements/ Comments	The species prefers wooded floodplains and flats, prairies, cultivated fields and marshes with sandy substrates. No suitable habitat was identified within the survey area.	The species prefers a wide variety of habitats including forests, grasslands, and barrier island sand dunes. No suitable habitat was identified within the survey area.		The species prefers habitat near rivers and large lakes nesting in tall trees or on cliffs near water. Although some sparse forested areas are located within the survey area, mature trees large enough to support eagle nesting were not identified. No abandoned nests or individuals were observed during field surveys.	The species prefers salt, brackish and freshwater marshes, pond borders, wet meadows, and grassy swamps. The Project contains potentially suitable habitat along the pond borders within the survey area. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented. No individuals of the species were observed during field surveys.	This species is only a spring and fall migrant throughout Texas. During migrations the species is known to utilize stopover habitat at night consisting of wetlands, lake shores and islands. The Project contains potentially suitable stopover habitat. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented. No individuals of the species were observed during field surveys.	The species prefers high plains, shortgrass prairies, or shallow depressions. The Project does not contain suitable habitat.
State Status	N/A	N/A		Threatened	N/A	Y/Z	N/A
Species Name	Strecker's Chorus Frog (<i>Pseudacris strecker</i> i)	Woodhouse's Toad (Anaxyrus woodhousii)	Birds	Bald Eagle (Haliaeetus leucocephalus)	Black Rail (Laterallus jamaicensis)	Franklin's Gull (Leucophaeus pipixcan)	Mountain Plover (Charadrius montanus)

Anticipated Project Impacts	No Impact Anticipated	No Impact Anticipated	No Impact Anticipated	No Impact Anticipated	May Impact	No Impact Anticipated	May Impact
"Habitat Requirements/ Comments	The species prefers beaches, sandflats and dunes along Gulf Coast beaches and adjacent offshore islands. The survey area is located inland and does not contain suitable habitat.	The species migrates long distances utilizing shorelines of coasts and bays, mudflats, tidal flats, beaches, and herbaceous wetlands. The survey area is located inland and does not contain potentially suitable habitat.	The species prefers southern yellow pine species, loblolly, longleaf and shortleaf. Nesting in cavities in older (60+ years) infected with red heart fungus. Foraging in younger pine stands (30+ years). The survey area does not contain potentially suitable habitat.	The species is a resident of the Gulf Coast utilizing brackish marshes, shallow salt ponds and tidal flats. The survey area is located inland and does not contain potentially suitable habitat.	The species prefers lowland forests especially swampy areas, marshes, along rivers, lakes, and ponds. The survey area contains potentially suitable habitat along the ponds within the survey area. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented. No individuals of the species were observed during field surveys.	The species utilizes open grasslands, especially prairie, plains and savannas. The survey area does not contain potentially suitable habitat.	The species is found in a variety of habitats including freshwater marshes, sloughs, and irrigated rice fields, but can also be found in brackish and saltwater habitats. The survey area contains potentially suitable habitat. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat
State Status	Threatened	N/A	Endangered	Threatened	Threatened	N/A	Threatened
Species Name	Piping Plover (Charadrius melodus)	Red Knot (Calidris canutus rufa)	Red-Cockaded Woodpecker (<i>Picoides borealis</i>)	Reddish Egret (<i>Egretta rufescens</i>)	Swallow-Tailed Kite (<i>Elanoides forficatus</i>)	Western Burrowing Owl (Athene cunicularia hypugaea)	White-Faced Ibis (<i>Plegadis chihi</i>)

GOLDER



State Status
Surveys. The species prefers coastal prairies, cordgrass flats and scrub-live oak and mesquite savannas. The survey area does not contain potentially suitable habitat.
The species can be found in small ponds, marshes, and flooded grain fields. Potentially suitable stopover habitat is present within the survey area. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented. No individuals of the species were observed during field surveys.
The species prefers to nest in large tracts of bald cypress and red mangrove. Foraging typically occurs in prairie ponds, flooded pastures or fields, ditches, and other shallow standing water. The survey area contains potentially suitable foraging habitat. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented. No individuals were observed during field surveys.
The species is known as a complete burrowing species. All collected specimens have come from excavated burrows most from temporary pools. The survey area does not contain potentially suitable habitat.
The species is found in rivers, streams, lakes, swamps, bayous, bays, and estuaries typically in pools and backwater habitats. While not likely, the manmade ponds and ditches located within the survey area could serve as potentially suitable habitat for the species. The stormwater conveyance culverts in the vicinity of the Project would

Species Name	State Status	*Habitat Requirements/ Comments Project Impacts	oipaisd I Impacis
		only provide outflow/inflow during extreme flood events; therefore, it is unlikely the species would utilize these waterbodies.	
Sabine Shiner (<i>Notropis sabinae</i>)	N/A	The species prefers small streams and large rivers with shallow, moving water over fine sandy substrates. Found in eastern Texas from the San Jacinto drainage No Impact northward along the Gulf Coast to the Sabine River Basin. All waterbodies located Anticipated within the survey area have low flow with clay/silt substrates. The survey area does not contain potentially suitable habitat.	Impact cipated
Saltmarsh Topminnow (Fundulus jenkinsí)	N/A	The species is found along estuary edges of saltmarsh along the Gulf Coast. The No Impact survey area is located inland and does not contain potentially suitable habitat.	Impact cipated
Silverband Shiner (<i>Notropis shumardi</i>)	N/A	The species prefers main channels of streams and rivers with moderate to swift currents, moderate to deep depths over silt, sand and gravel. The species is currently No Impact known from the Red River to the Lavaca River. All waterbodies located within the Anticipated survey area have low flow with clay/silt substrates. The survey area does not contain potentially suitable habitat.	Impact cipated
Southern Flounder (<i>Paralichthys lethostigma</i>)	N/A	The species is estuarine dependent and inhabits riverine, estuarine and coastal No Impact Anticipated and does not contain potentially suitable habitat.	Impact cipated
Western Creek Chubsucker (<i>Erimyzon claviformis</i>)	Threatened	The species prefer silt, sand and gravel bottomed pools of clear headwater creeks, and small rivers. Found from the Red River to the San Jacinto drainage. All No Impact waterbodies located within the survey area have low flow with clay/silt substrates. The survey area does not contain potentially suitable habitat.	Impact
insects			
American Bumblebee (Bombus pensylvanicus)	N/A	The species can be found in a wide variety of habitats that support wildflowers, parks, parks, pastures, and open meadows. The Project contains potentially suitable habitat. While	' Impact

*Habitat Requirements/ Comments Project Impacts	located within a previous disturbed sinted. No individuals were observed associated with this habitat would be would occur within disturbed areas.	grass marshes. The survey area is No Impact otentially suitable habitat.		s areas with soft soils that support Livey area, a previously disturbed gging or burrowing. The survey area Suitable habitat.	ded areas. The survey area contains able habitat. While suitable habitat evious disturbed landfill and potential agmented.	ks in high canyon walls but will also n any high canyon walls or suitable roosting habitat.	abitats but is usually associated with daeras that may serve as potentially resent, the Project is located within a bitat is sparse and fragmented.	
suitable habitat may be present, the Project is located within a previous disturbed andfill and potential habitat is sparse and fragmented. No individuals were observed	during field surveys. All project related activities associated with this habitat would be minor and temporary in nature and revegetation would occur within disturbed areas.	This species is only known to occur in tidal sawgrass marshes. The survey area is located inland and does not contain potentially suitable habitat.		This species is a habitat generalist but prefers areas with soft soils that support ground squirrel populations. Soils within the survey area, a previously disturbed andfill, are primarily clay and not conducive to digging or burrowing. The survey area does not contain potentially suitable habitat.	The species is a habitat generalist found in wooded areas. The survey area contains wooded aeras that may serve as potentially suitable habitat. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented.	The species prefers to roost in crevices and cracks in high canyon walls but will also use buildings. The survey area does not contain any high canyon walls or suitable buildings that can be used for roosting habitat.	The species is found through a wide variety of habitats but is usually associated with wooded areas. The survey area contains wooded aeras that may serve as potentially suitable habitat. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented.	The species is a habitat generalist found in open fields, prairies, croplands, fence
	sui landf durin mino	N/A Thi		TI 8r Iandf	The woo	The N/A use	The wood N/A suital	N/A Th
		Bay Skipper (<i>Euphyes bayensis</i>)	Mammals	American Badger (<i>Taxidea taxus</i>)	Big Brown Bat (<i>Eptesicus fuscus</i>)	Big Free-Tailed Bat (<i>Nyctinomops macrotis</i>)	Eastern Red Bat (Lasiurus borealis)	Eastern Spotted Skunk

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Anticipated Project Impacts		May Impact	No Impact Anticipated	May Impact	No Impact Anticipated	No Impact Anticipated	May Impact
*Habitat Requirements/ Comments	suitable habitat. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented.	The species is found in the forests and woods of east and central Texas. The survey area contains wooded aeras that may serve as potentially suitable habitat. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented.	The species inhabits tropical, subtropical, temperate, and subpolar water worldwide. They will utilize both open ocean and coastal waters. The survey area does not contain potentially suitable habitat.	The species preferred habitat includes brushlands, fence rows, upland woods, and bottomland hardwoods usually close to water. The survey area contains potentially suitable habitat. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented.	The species is found in bottomland hardwoods, forested floodplains, upland hardwoods with mixed pine and marshes. The survey area does not contain large tracts of suitable habitat capable of supporting the species.	The species is found in a wide variety of habitats, roosting in buildings, bridges, limestone caves and other natural and manmade structures. The survey area does not contain any limestone caves, bridges or suitable buildings that can be used for roosting habitat.	The species is closely associated with water habitats consisting of coastal swamps and marshes, wooded riparian zones, and edges of lakes. The survey area contains potentially suitable habitat. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented.
State Status		N/A	Endangered	N/A	Threatened	N/A	Ν/A
Species Name		Hoary Bat (Lasiurus cinereus)	Humpback Whale (<i>Megaptera novaeangliae</i>)	Long-Tailed Weasel (<i>Mustela frenata</i>)	Louisiana Black Bear (<i>Ursus americanus luteolus</i>)	Mexican Free-Tailed Bat (<i>Tadarida brasiliensis</i>)	Mink (Neovision vison)

Anticipated Project Impacts	S No Impact Anticipated	May Impact	May Impact	May Impact	No Impact Anticipated	No Impact Anticipated
*Habitat Requirements/ Comments	The species is a habitat generalist found in a wide range of habitats throughout Texas but is most frequent in rugged mountains regions. The survey area does not contain large tracts of suitable habitat capable of supporting the species.	The species is a habitat generalist found in open fields, prairies, croplands, fence rows, farmyards, forest edges, and woodlands. The survey area contains potentially suitable habitat. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented.	The species prefer lowland pine and hardwood forests with large hollow trees. Roosting in cavity trees of bottomland hardwoods, concrete culverts and abandoned manmade structures. The survey area contains wooded aeras that may serve as potentially suitable habitat. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented.	The species prefer lowland pine and hardwood forests with large hollow trees near water. Roosting in cavity trees of bottomland hardwoods, concrete culverts and abandoned manmade structures. The survey area contains wooded aeras that may serve as potentially suitable habitat. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented.	The species is found in east Texas pine forests and agricultural fields. The survey area does not contain suitable habitat.	The species is primarily found in lowland areas near water including cypress bogs, marshes, floodplains, creeks and rivers. The survey area does not contain suitable habitat.
State Status	N/A	N/A	Threatened	N/A	N/A	N/A
Species Name	Mountain Lion (<i>Puma concolor</i>)	Plains Spotted Skunk (Spilogale putorius interrupta)	Rafinesque's Big-Eared Bat (Corynorhinus rafinesquii)	Southeastern Myotis Bat (<i>Myotis austroriparius</i>)	Southern Short-Tailed Shrew (<i>Blarina carolinensis</i>)	Swamp Rabbit (Sylvilagus aquaticus)

Species Name	State Status	Ant "Habitat Requirements/ Comments Projec	Amticipated Project Impacts
Thirteen-Lined Ground Squirrel (Ictidomys tridecemlineatus)	N/A	The species prefers short grass prairies with deep soils for burrowing. Soils within the survey area are primarily clay and not conducive to digging or burrowing.	No Impact Anticipated
Tricolored Bat (<i>Perimyotis subflavus</i>)	N/A	The species is found in forest, bottomland hardwoods, and caves. The survey area contains wooded aeras that may serve as potentially suitable habitat. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented.	May Impact
Western Hognose Skunk (Conepatus leuconotus)	N/A	The species is found in woodlands, grasslands, and deserts. The survey area contains potentially suitable habitat. While suitable habitat may be present, the May Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented.	May Impact
Mollusks			
Louisiana Pigtoe (<i>Pleurobema riddellii</i>)	Threatened	The species is known to occur in small streams to large rivers in slow to moderate currents in substrates of clay, mud, sand and gravel. There are several ditches located within the survey area, however they are not considered suitable for the species.	No Impact Anticipated
Sandbank Pocketbook (Lampsilis satura)	Threatened	The species is known to occur in small streams to large rivers in slow to moderate currents in substrates of clay, mud, sand and gravel. There are several ditches located within the survey area, however they are not considered suitable for the species.	No Impact Anticipated
Reptiles			
Alligator snapping Turtle (<i>Macrochelys temminckii</i>)	Threatened	The species is found in perennial waterbodies; rivers, canals, lakes, and oxbows, swamps, bayous, and ponds near running water. The manmade ponds and ditches located within the survey area may serve as potentially suitable habitat for the species.	May Impact

Anticipated Project Impacts	May Impact	May Impact	May Impact	No Impact Anticipated	May Impact	May Impact	No Impact Anticipated
*Habitat Requirements/ Comments	The species is found in aquatic habitats including coastal marshes, inland natural rivers, swamps, marshes, and manmade impoundments. The manmade ponds and ditches located within the survey area may serve as potentially suitable habitat for the species.	The species is found in grasslands and modified open areas near aquatic habitats such as ponds, streams and marshes. The survey area may serve as suitable habitat for the species.	The species prefer forests, fields, forest-brush, and forest-field ecotones. The survey area may serve as suitable habitat for the species. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented.	This species is associated with tropical, subtropical and temperate water worldwide. They will utilize both open ocean and coastal waters. The survey area is located far inland and does not contain suitable habitat.	The species prefers open grassland, prairie, woodland edge, open woodland, oak savannas, longleaf pine flatwoods, scrubby areas, fallow fields and areas near streams and ponds often with sandy soils. The survey area may serve as suitable habitat for the species. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented.	The species prefers large rivers and streams also found in lakes and impoundments. The manmade ponds located within the survey area may serve as suitable habitat for the species.	The species prefer coastal marshes, tidal flats, coves, estuaries, and lagoons behind barrier beaches. The survey area is located inland and does not contain suitable habitat.
State Status	V/V	N/A	Y/Z	Threatened	V/V	N/A	N/A
Species Name	American Alligator (Alligator mississippiensis)	Common Garter Snake (<i>Thamnophis sirtalis</i>)	Eastern Box Turtle (<i>Terrapene carolina</i>)	Loggerhead Sea Turtle (<i>Caretta caretta</i>)	Slender Glass Lizard (Ophisaurus attenuates)	Smooth Softshell (Apalone mutica)	Texas Diamondback Terrapin (<i>Malaclemys terrapin littoralis</i>)

Species Name	State Status	"Habitat Requirements/ Comments	Anticipated Project Impacts
Texas Horned Lizard (<i>Phrynosoma comutum</i>)	Threatened	The species prefers open habitats with sparse vegetation, including grass, prairie, cactus, scattered brush or scrubby trees. Current open habitats are densely vegetation. The survey area does not contain suitable habitat.	No Impact Anticipated
Timber Rattlesnake (<i>Crotalus horridus</i>)	Threatened	The species is found in swamps, floodplains, upland pine and deciduous woodlands, riparian zones, abandoned farmland and limestone bluffs. The survey area does not contain potentially suitable habitat.	No Impact Anticipated
Western Box Turtle (<i>Terrapene ornata</i>)	N/A	The species is found in prairie grasslands, pasture, fields, sandhills, and open woodlands. The survey area may serve as suitable habitat for the species. While suitable habitat may be present, the Project is located within a previous disturbed landfill and potential habitat is sparse and fragmented.	May Impact
Western Hognose Snake (<i>Heterodon nasicus</i>)	N/A	The species prefers shortgrass or mixed grass prairie with gravel or sandy soils. Current open habitats are densely vegetation and soils are heavy clay. The survey area does not contain suitable habitat.	No Impact Anticipated
Plants			
Awnless Bluestem (<i>Bothriochloa exaristata</i>)	N/A	The species is found on coastal prairies with black clay. The TNXDD data has element occurrences listed for the species within 1-mile of the survey area. However, the Project is a previously disturbed landfill, little natural habitats exist. No individuals of the species were observed during field surveys.	No Impact Anticipated
Coastal Gay-Feather (<i>Liatris bracteate</i>)	N/A	The species is found on coastal prairie grasslands. The TNXDD data has element occurrences listed for the species within 1-mile of the Project. However, the Project is a previously disturbed landfill, little natural habitats exist. No individuals of the species were observed during field surveys.	No Impact Anticipated
Corkwood (Leitneria pilosa ssp. pilosa)	N/A	The species is found in wet or saturated silty soils along brackish or freshwater swamps, ponds or other low, poorly drained sites. Potentially suitable habitat may	No Impact Anticipated

GOLDER

Anticipated Project Impacts		No Impact Anticipated	No Impact Anticipated	No Impact Anticipated	No Impact Anticipated	No Impact Anticipated	No Impact Anticipated
*Habitat Requirements/ Comments	occur within the survey area; however, the Project is a previously disturbed landfill, little natural habitats exist. No individuals of the species were observed during field surveys.	The species is found in wet, silty clay loams on streamsides, creek beds, irrigation channels, and roadside ditches. Potentially suitable habitat may occur within the survey area; however, the Project is a previously disturbed landfill, little natural habitats exist. No individuals of the species were observed during field surveys.	The species is found on saturated, fine sandy loam soils, along nearly level fringes of deep prairie depressions or depressional areas within coastal prairies with remnant heavy black clay. The Project is a previously disturbed landfill, little natural habitats exist. Potentially suitable habitat is not present within the survey area.	The species prefers deep sandy soils of sandhills in openings in or along margins of post oak woodlands and pine-oak forests. The Project is a previously disturbed landfill, little natural habitats exist. Potentially suitable habitat is not present within the survey area.	The species is found in naturally barren or sparsely vegetated saline slick spots or pimple mounds on coastal prairies, usually in sandy to sandy loam soils. The TNXDD data has element occurrences listed for the species within 1-mile of the survey area. However, the Project is a previously disturbed landfill, little natural habitats exist. No individuals of the species were observed during field surveys.	The species is found in cattle pastures. Potentially suitable habitat is not present within the survey area.	The species is found in mesic, acidic, sandy to loamy prairies, pine savannas, oak woodlands, edges of bogs, and frequently mowed areas. The survey area is made up
State Status		N/A	N/A	N/A	N/A	N/A	N/A
Species Name		Correll's False Dragon Head (<i>Physostegia correllii</i>)	Giant Sharpstem Umbrella Sedge (Cyperus cephalanthus)	Goldenwave Tickseed (Coreopsis intermedia)	Houston Daisy (Rayjacksonia aurea)	Indianola Beakrush (<i>Rhynchospora indianolensis</i>)	Oklahoma Grass Pink (Calopgon oklahomensis)

May 2020

Species Name	State Status	*Habitat Requirements/ Comments Project Impacts
		of clay soils and is a previously disturbed landfill, little natural habitats exist. Potentially suitable habitat is not present within the survey area.
Panicled Indigobush (<i>Amorpha paniculata</i>)	N/A	The species is found in acid seep forests, peat bogs, wet floodplain forests, and seasonal wetlands on the edge of saline prairies. The Project is a previously disturbed No Impact landfill, little natural habitats exist. Potentially suitable habitat is not present within the survey area.
Shinner's Sunflower (Helianthus occidentalis ssp. plantagineus)	N/A	The species is found in coastal plain prairies. The Project is a previously disturbed No Impact landfill, little natural habitats exist. Potentially suitable habitat is not present within the survey area.
South Texas False Cudweed (Pseudognaphalium austrotexanum)	N/A	The species is found in sandy grasslands on eroded areas above saline flats. The No Impact Project is a previously disturbed landfill, little natural habitat is not present within the survey area.
Texas Ladies-Tresses (Spiranthes brevilabris var. brevilabris)	N/A	The species is found in sandy moist prairies and calcareous prairie pockets surrounded by pines, pine hardwood forests, open pinelands, wetland pine savannahs, dry to moist fields, meadows, and roadsides. The Project is a previously disturbed landfill, little natural habitats exist. Potentially suitable habitat is not present within the survey area.
Texas Meadow Rue (<i>Thalictrum texanum</i>)	N/A	The species is found in woodlands and woodland margins, on soils with sandy loam, but also occur on prairie pimple mounds. The Project is a previously disturbed landfill, No Impact little natural habitats exist. Potentially suitable habitat is not present within the survey area.
Texas Prairie Dawn (Hymenoxys texana)	Endangered	The species is found in poorly drained, sparsely vegetated areas at the base of pimple nounds in open grasslands. The TNXDD data does have an element occurrence listed for the species within 1-mile of the survey area. However, the Project survey area contains clay and is heavily disturbed due to past land use as landfill among

GOLDER

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May 2020

*Habi
within the survey area. This species only occurs in loamy soils in deciduous forests or woodlands on river and stream terraces. The Project is a previously disturbed landfill, little natural habitats exist. Potentially suitable habitat is not present within the survey area.
The species is found in sparsely vegetated shortgrass patches within taller prairies on alkaline or saline soils on the coastal plain. The Project is a previously disturbed landfill, little natural habitats exist. Potentially suitable habitat is not present within the survey area.
The species is found in sandy to sandy loam soils in relatively bare areas in coastal prairie grasslands. The TNXDD data does have an element occurrence listed for the species within 1-mile of the survey area. However, the survey area has been heavily distributed, little natural habitats exist. Potentially suitable habitat is not present within the survey area.
The species is found on barrier islands, shores or lagoons and bays protected by the barrier islands. The TNXDD data does have an element occurrence listed for the species within 1-mile of the survey area. However, the survey area is located inland, and potentially suitable habitat is not present within the survey area.
The species is found along coastal communities with sparse, low vegetation between salty prairies and tidal flats. Further inland found in vegetated slick spots on prairie mima mounds. The Project is a previously disturbed landfill, little natural habitats exist. Potentially suitable habitat is not present within the survey area.

N/A - Denotes species listed on TPWD Annotated County Lists of Rare Species for Harris County, TX with no state designated threatened or endangered *All species habitat descriptions were obtained from the TPWD Annotated County Lists of Rare Species for Harris County, TX. status; but still considered in this assessment due to state rare listing.

4.3 Migratory Birds

As outlined within Table 2, the survey area contains potentially suitable nesting habitat for multiple migratory bird species and several unoccupied nests during field surveys. Golder biologists did not identify any unoccupied raptor nests within the survey area. Some sparse forested areas are located within the survey area; however, mature trees large enough to support eagle nesting were not identified. Therefore, it is not anticipated that the survey area could support nesting eagles. Migratory Bird Treaty Act and Bald and Golder Eagle Protection Act coordination with the U.S. Fish and Wildlife Service (USFWS) Region 2 is currently ongoing.

5.0 CONCLUSION

Golder performed field surveys to identify the presence of any individuals or suitable habitat for the state listed rare, T&E species within the Project survey area on March 9-12, 2020. The TPWD Harris County Rare, Threatened and Endangered Species list identified 83 species that could potentially occur within the Project survey area. As outlined within Table 2, based on the field survey results potentially suitable habitat is located within the survey area for 28 of the 83-state listed rare, T&E species, including amphibians, birds, fish, insects, reptiles, and mammals. Potentially suitable habitat for the remaining 55 species was not identified within the survey area. No individuals of the 83-state listed rare, threatened and endangered species within Harris County were observed during the habitat assessment.

The Project is surrounded on all sides by commercial and residential developments. The Project's survey area is primarily composed of an existing landfill and there are sections devoted for concrete recycling and organic mulching. The site is heavily disturbed, covered by fill, and contains primarily herbaceous vegetation. Tree clearing would occur within the sparse forested area located on the north side of the site (Attachment A). The majority of the Project activities would be temporary in nature and would be allowed to revegetate following construction. All current maintenance activities have been conducted within the allowable limits of existing and previously authorized permits. Therefore, significant impacts on state listed rare, T&E species are not anticipated. Please send a response indicating TPWD's approval of their compliance in coordination with the Wildlife Habitat Assessment Program. USFWS informal Section 7 Endangered Species Act consultations are currently ongoing.

Golder's conclusion reflects our professional opinion based on conditions present at the time of the evaluation. Discrepancies may arise between current and future evaluation of wetlands at the Project due to changes in land use, vegetation, and/or hydrology. No warranties, implied or expressed, are made.

May 2020 189426901

6.0 REFERENCES

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Signature Page

Jenny Mung

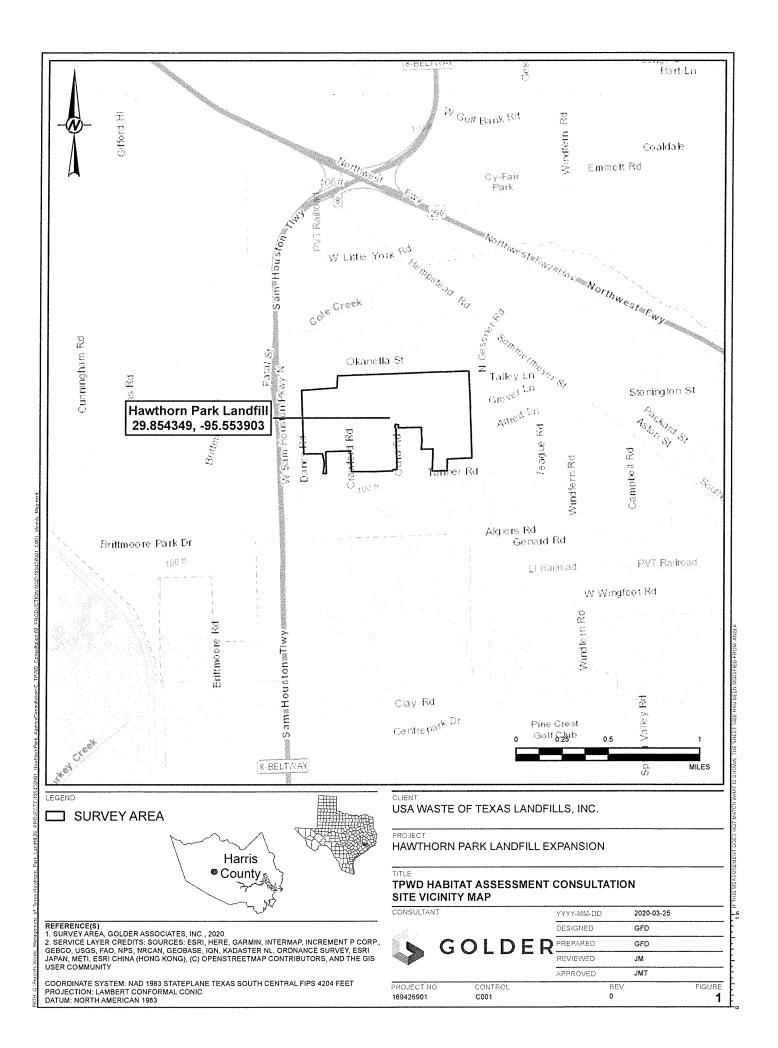
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Jeremy Munz Project Biologist Jacob Trahan
Sr. Environmental Consultant



golder.com

Appendix A





LEGEND

☐ SURVEY AREA **TRANSECTS**

> 350 700 FEET

REFERENCE(S)

1. SURVEY AREA, TRANSECTS, GOLDER ASSOCIATES, INC., 2020.

2. SERVICE LAYER CREDITS: SOURCE: ESRI, DIGITALGLOBE, GEOEYE, EARTHSTAR GEOGRAPHICS, CNES/AIRBUS DS, USDA, USGS, AEROGRID, IGN, AND THE GIS USER COMMUNITY

COORDINATE SYSTEM: NAD 1983 STATEPLANE TEXAS SOUTH CENTRAL FIPS 4204 FEET PROJECTION: LAMBERT CONFORMAL CONIC DATUM: NORTH AMERICAN 1983

CLIENT

USA WASTE OF TEXAS LANDFILLS, INC.

PROJECT

HAWTHORN PARK LANDFILL EXPANSION

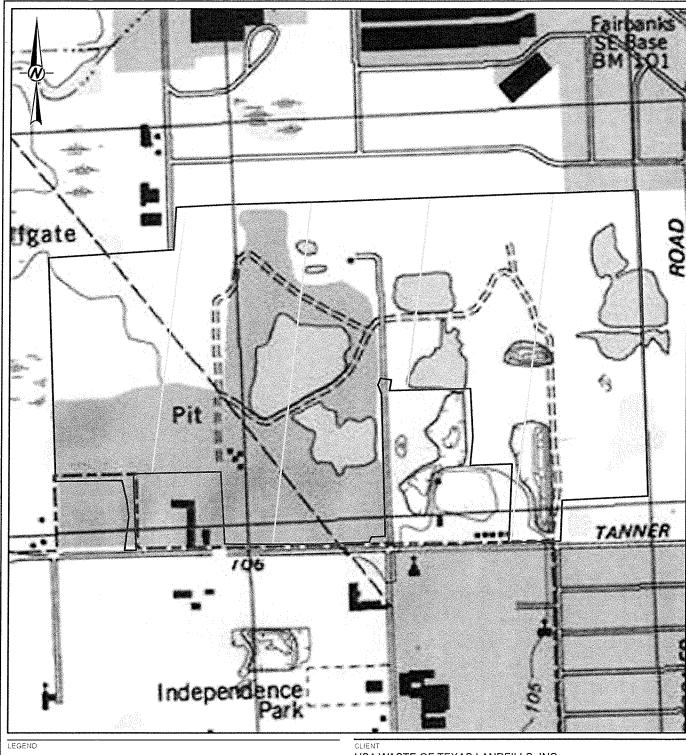
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TPWD HABITAT ASSESSMENT CONSULTATION **AERIAL MAP**

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PROJECT NO. 189426901 C002 2



☐ SURVEY AREA **TRANSECTS**

USA WASTE OF TEXAS LANDFILLS, INC.

PROJECT
HAWTHORN PARK LANDFILL EXPANSION

TPWD HABITAT ASSESSMENT CONSULTATION **USGS TOPOGRAPHIC MAP**

GOLDER

YYYY-MM-OO	2020-03-25		
DESIGNED	GFD		
PREPARED	GFD		
REVIEWED	JM		
APPROVED	TML		

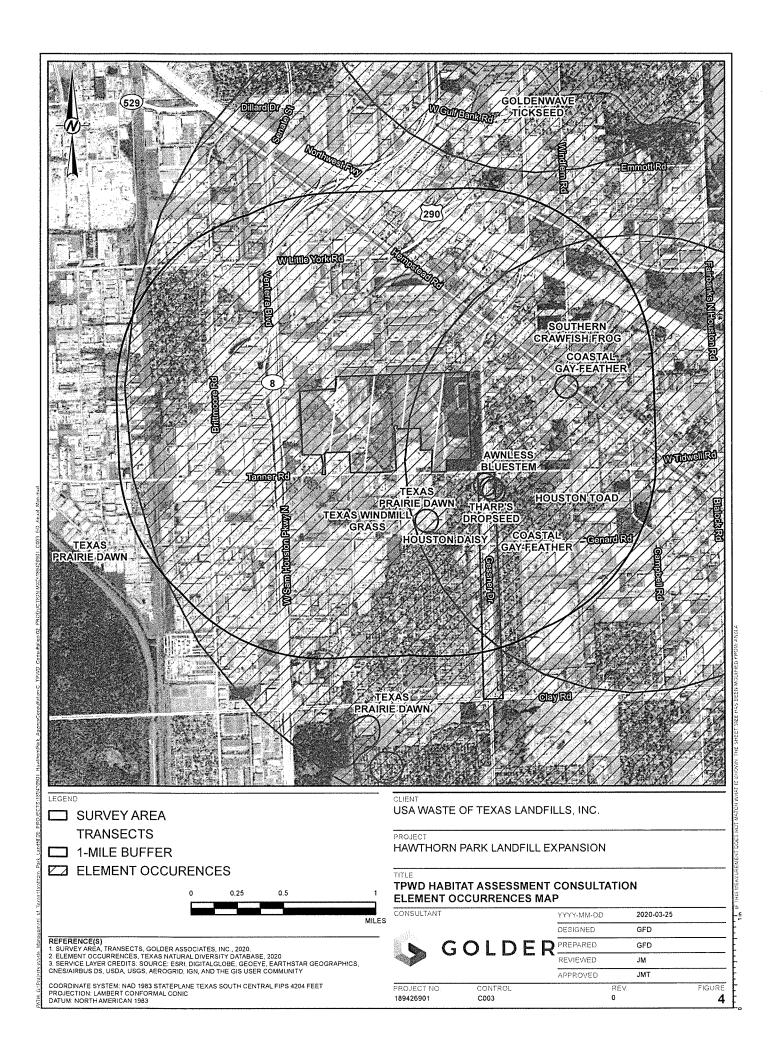
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REFERENCE(S)

1 SURVEY AREA: TRANSECTS, GOLDER ASSOCIATES, INC., 2020

2 SERVICE LAYER CREDITS COPYRIGHT. © 2013 NATIONAL GEOGRAPHIC SOCIETY, I-CUBED

PROJECT NO CONTROL C004 FIGURE 189426901 3



Appendix B

Note: Appendix B of the State Listed Species Habitat Assessment Report contains the same Datasheets as the Aquatic Resource Delineation Report Appendix B.

SEE THIS PERMIT AMENDMENT APPLICATION, PART II, APPENDIX IID-2C, AQUATIC RESOURCE DELINEATION REPORT FOR DATASHEETS.

Appendix C

Note: Appendix C of the State Listed Species Habitat Assessment Report contains the same Photologs as the Aquatic Resource Delineation Report Appendix C.

SEE THIS PERMIT AMENDMENT APPLICATION, PART II, APPENDIX IID-2C, AQUATIC RESOURCE DELINEATION REPORT FOR PHOTOLOGS.

Appendix D

Texas Parks & Wildlife Dept. Annotated County Lists of Rare Species

Last Update: 3/4/2020

HARRIS COUNTY

AMPHIBIANS

cajun chorus frog

Pseudacris fouquettei

Aquatic and terrestrial: Habitats of this ground-dwelling frog are diverse and include forests, fields, swamps, marshes, irrigation ditches, and temporarily flooded areas (Bartlett and Bartlett 1999, Lemmon et al. 2008). Eggs are laid in small clusters that adhere to submerged vegetationin shallow temporary pools, ditches, and flooded areas where emergent vegetation or a grassy margin is present (Dundee and Rossman 1989).

Federal Status: State Status: SGCN: Y

Endemic: N Global Rank: G5 State Rank: SU

Houston toad Anaxyrus houstonensis

Terrestrial and aquatic: Primary terrestrial habitat is forests with deep sandy soils. Juveniles and adults are presumed to move through areas of less suitable soils using riparian corridors. Aquatic habitats can include any water body from a tire rut to a large lake.

Federal Status: LE State Status: E SGCN: Y

Endemic: Y Global Rank: G1 State Rank: S1

southern crawfish frog Lithobates areolatus areolatus

Terrestrial and aquatic: The terrestial habitat is primarily grassland and can vary from pasture to intact prairie; it can also include small prairies in

the middle of large forested areas. Aquatic habitat is any body of water but preferred habitat is ephemeral wetlands.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G4T4 State Rank: S3

southern dusky salamander Desmognathus conanti

Aquatic and terrestrial: The vegetated riparian and aquatic zones of spring-fed, sandy bottom streams and baygalls in forested areas. Eggs are

laid on land under rocks and logs close to the stream edge.

Federal Status: State Status: SGCN: N
Endemic: Global Rank: G5 State Rank: S1

Strecker's chorus frog Pseudacris streckeri

Terrestrial and aquatic: Wooded floodplains and flats, prairies, cultivated fields and marshes. Likes sandy substrates.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G5 State Rank: S3

Woodhouse's toad Anaxyrus woodhousii

Terrestrial and aquatic: A wide variety of terrestrial habitats are used by this species, including forests, grasslands, and barrier island sand dunes.

Aquatic habitats are equally varied.

Federal Status:State Status:SGCN: YEndemic: NGlobal Rank: G5State Rank: SU

BIRDS

bald eagle Haliaeetus leucocephalus

DISCLAIMER

BIRDS

Found primarily near rivers and large lakes; nests in tall trees or on cliffs near water; communally roosts, especially in winter; hunts live prey, scavenges, and pirates food from other birds

Federal Status:

State Status: T

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S3B,S3N

black rail

Laterallus jamaicensis

Salt, brackish, and freshwater marshes, pond borders, wet meadows, and grassy swamps; nests in or along edge of marsh, sometimes on damp ground, but usually on mat of previous years dead grasses; nest usually hidden in marsh grass or at base of Salicornia

Federal Status: PT

State Status:

SGCN: Y

Endemic: N

Global Rank: G3G4

State Rank: S2

Franklin's gull

Leucophaeus pipixcan

This species is only a spring and fall migrant throughout Texas. It does not breed in or near Texas. Winter records are unusual consisting of one or a few individuals at a given site (especially along the Gulf coastline). During migration, these gulls fly during daylight hours but often come down to wetlands, lake shore, or islands to roost for the night.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S2N

mountain plover

Charadrius montanus

Breeding: nests on high plains or shortgrass prairie, on ground in shallow depression; nonbreeding: shortgrass plains and bare, dirt (plowed)

fields; primarily insectivorous

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G3

State Rank: S2

piping plover

Charadrius melodus

Beaches, sandflats, and dunes along Gulf Coast beaches and adjacent offshore islands. Also spoil islands in the Intracoastal Waterway. Based on the November 30, 1992 Section 6 Job No. 9.1, Piping Plover and Snowy Plover Winter Habitat Status Survey, algal flats appear to be the highest quality habitat. Some of the most important aspects of algal flats are their relative inaccessibility and their continuous availability throughout all tidal conditions. Sand flats often appear to be preferred over algal flats when both are available, but large portions of sand flats along the Texas coast are available only during low-very low tides and are often completely unavailable during extreme high tides or strong north winds. Beaches appear to serve as a secondary habitat to the flats associated with the primary bays, lagoons, and inter-island passes. Beaches are rarely used on the southern Texas coast, where bayside habitat is always available, and are abandoned as bayside habitats become available on the central and northern coast. However, beaches are probably a vital habitat along the central and northern coast (i.e. north of Padre Island) during periods of extreme high tides that cover the flats. Optimal site characteristics appear to be large in area, sparsely vegetated, continuously available or in close proximity to secondary habitat, and with limited human disturbance.

Federal Status: LT

State Status: T

SGCN: Y

Endemic: N

Global Rank: G3

State Rank: S2N

red knot

Calidris canutus rufa

DISCLAIMER

BIRDS

Red knots migrate long distances in flocks northward through the contiguous United States mainly April-June, southward July-October. A small plump-bodied, short-necked shorebird that in breeding plumage, typically held from May through August, is a distinctive and unique pottery orange color. Its bill is dark, straight and, relative to other shorebirds, short-to-medium in length. After molting in late summer, this species is in a drab gray-and-white non-breeding plumage, typically held from September through April. In the non-breeding plumage, the knot might be confused with the omnipresent Sanderling. During this plumage, look for the knot's prominent pale eyebrow and whitish flanks with dark barring. The Red Knot prefers the shoreline of coast and bays and also uses mudflats during rare inland encounters. Primary prey items include coquina clam (Donax spp.) on beaches and dwarf surf clam (Mulinia lateralis) in bays, at least in the Laguna Madre. Wintering Range includes-Aransas, Brazoria, Calhoun, Cameron, Chambers, Galveston, Jefferson, Kennedy, Kleberg, Matagorda, Nueces, San Patricio, and Willacy. Habitat: Primarily seacoasts on tidal flats and beaches, herbaceous wetland, and Tidal flat/shore.

Federal Status: LT

State Status:

SGCN: Y

Endemic: N

Global Rank: G4T2

State Rank: SNRN

red-cockaded woodpecker

Picoides borealis

Cavity nests in older pine (60+ years); forages in younger pine (30+ years); prefers longleaf, shortleaf, and loblolly

State Status: E

SGCN: Y

Federal Status: LE Endemic: N

Global Rank: G3

State Rank: S2B

reddish egret

Egretta rufescens

Resident of the Texas Gulf Coast; brackish marshes and shallow salt ponds and tidal flats; nests on ground or in trees or bushes, on dry coastal

islands in brushy thickets of yucca and prickly pear

Federal Status:

State Status: T

SGCN: Y

Endemic: N

Global Rank: G4

State Rank: S3B

swallow-tailed kite

Elanoides forficatus

Lowland forested regions, especially swampy areas, ranging into open woodland; marshes, along rivers, lakes, and ponds; nests high in tall tree in clearing or on forest woodland edge, usually in pine, cypress, or various deciduous trees

Federal Status:

State Status: T

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S2B

western burrowing owl

Athene cunicularia hypugaea

Open grasslands, especially prairie, plains, and savanna, sometimes in open areas such as vacant lots near human habitation or airports; nests and roosts in abandoned burrows

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G4T4

State Rank: S2

white-faced ibis

Plegadis chihi

Prefers freshwater marshes, sloughs, and irrigated rice fields, but will attend brackish and saltwater habitats; currently confined to near-coastal rookeries in so-called hog-wallow prairies. Nests in marshes, in low trees, on the ground in bulrushes or reeds, or on floating mats.

Federal Status:

State Status: T

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S4B

white-tailed hawk

Buteo albicaudatus

DISCLAIMER

BIRDS

Near coast on prairies, cordgrass flats, and scrub-live oak; further inland on prairies, mesquite and oak savannas, and mixed savanna-chaparral; breeding March-May

Federal Status:

State Status: T

SGCN: Y

Endemic: N

Global Rank: G4G5

State Rank: S4B

whooping crane

Grus americana

Small ponds, marshes, and flooded grain fields for both roosting and foraging. Potential migrant via plains throughout most of state to coast; winters in coastal marshes of Aransas, Calhoun, and Refugio counties.

Federal Status: LE

State Status: E

SGCN: Y

Endemic: N

Global Rank: G1

State Rank: S1N

wood stork

Mycteria americana

Prefers to nest in large tracts of baldcypress (Taxodium distichum) or red mangrove (Rhizophora mangle); forages in prairie ponds, flooded pastures or fields, ditches, and other shallow standing water, including salt-water; usually roosts communally in tall snags, sometimes in association with other wading birds (i.e. active heronries); breeds in Mexico and birds move into Gulf States in search of mud flats and other wetlands, even those associated with forested areas; formerly nested in Texas, but no breeding records since 1960

Federal Status:

State Status: T

SGCN: Y

Endemic: N

Global Rank: G4

State Rank: SHB,S2N

CRUSTACEANS

Houston burrowing crayfish

Fallicambarus houstonensis

All species in the genus <i>Fallicambarus </i>are primary burrowers (Guiasu, 2007). It is clearly a primary burrower with 100% of adult and subadult specimens known from excavated burrows. Large numbers of juveniles were collected from Temporary pools (October through February) (Johnson, 2008).

Federal Status:

State Status:

SGCN: Y

Endemic:

Global Rank: G2

State Rank: S3

FISH

alligator gar

Atractosteus spatula

From the Red River to the Rio Grande (Hubbs et al. 2008); occurs in the Trinity River upstream of Lake Livingston. Found in rivers, streams, lakes, swamps, bayous, bays and estuaries typically in pools and backwater habitats. Floodplains inundated with flood waters provide spawning and nursery habitats.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G3G4

State Rank: S4

Sabine shiner

Notropis sabinae

Inhabits small streams and large rivers of eastern Texas from San Jacinto drainage northward along the Gulf Coast to the Sabine River Basin; Habitat generalist with affinities for shallow, moving water and rarely found in pools and backwater areas;
closely restricted to substrate of fine, silt free sand in small creeks and rivers having slight to moderate current.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G4

State Rank: S3

DISCLAIMER

FISH

saltmarsh topminnow

Fundulus jenkinsi

Occupies estuaries and the edges of saltmarsh habitats along the Gulf coast in salinities of 4-20 ppt in Spartina dominated tidal creeks and wetlands (Peterson & Spartina dominated tidal creeks and Griffith 1974). Requires access to small interconnected tidal creeks for feeding and reproduction. Spawning occurs from March to August during high tide events (Robertson Thesis, 2016). Non-migratory.

Federal Status: State Status:
Endemic: N Global Rank: G3

silverband shiner Notropis shumardi

In Texas, found from Red River to Lavaca River; Main channel with moderate to swift current velocities and moderate to deep depths; associated with turbid water over silt, sand, and gravel.

SGCN: Y

State Rank: S1

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G5 State Rank: S4

southern flounder Paralichthys lethostigma

This is an estuarine-dependent species that inhabits riverine, estuarine and coastal waters, and prefers muddy, sandy, or silty substrates (Reagan and Wingo 1985). Individuals can tolerate wide temperature (~5-35°C) and salinity ranges (0-60 ppt). Southern Flounder spawn in offshore waters of the Gulf of Mexico from October to February (Reagan and Wingo 1985). The oceanic larval stage is pelagic and lasts 30–60 days. Metamorphosing individuals enter estuaries and migrate towards low-salinity headwaters, where settlement occurs (Burke et al. 1991, Walsh et al. 1999). The young fish enter the bays during late winter and early spring, occupying seagrass; some may move further into coastal rivers and bayous. Juveniles remain in estuaries until the onset of sexual maturation (approximately two years), at which time they migrate out of estuaries to join adults on the inner continental shelf. Adult southern flounder leave the bays during the fall for spawning in the Gulf of Mexico. They spawn for the first time when two years old at depths of 50 to 100 feet. Although most of the adults leave the bays and enter the Gulf for spawning the winter, some remain behind and spend winter in the bays. Those in the Gulf will reenter the bays in the spring. The spring influx is gradual and does not occur with large concentrations that characterize the fall emigration.

Federal Status: State Status: SGCN: Y
Endemic: N Global Rank: G5 State Rank: S5

western creek chubsucker Erimyzon claviformis

Eastern Texas streams from the Red River to the San Jacinto drainage. Habitat includes silt-, sand-, and gravel-bottomed pools of clear headwaters, creeks, and small rivers; often near vegetation; occasionally in lakes. Spawning occurs in river mouths or pools, riffles, lake outlets, or upstream creeks. Prefers headwaters, but seldom occurs in springs.

Federal Status: State Status: T SGCN: Y

Endemic: N Global Rank: G5 State Rank: S2S3

INSECTS

American bumblebee Bombus pensylvanicus

Habitat description is not available at this time.

Federal Status: State Status: SGCN: Y

Endemic: Global Rank: G3G4 State Rank: SNR

DISCLAIMER

INSECTS

bay skipper

Euphyes bayensis

Apparently tidal sawgrass marsh only, probably covers same range of salinity as saw grass, nectarivore (butterfly), herbivore (caterpillar), larval foodplant is so far unconfirmed but is probably sawgrass, diurnal; two well separated broods apparently peaking in late May and in September which suggests the larvae may well aestivate in summer and the next brood hibernate

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G2G3

State Rank: S1

MAMMALS

American badger

Taxidea taxus

Generalist. Prefers areas with soft soils that sustain ground squirrels for food. When inactive, occupies underground burrow. Young are born in

underground burrows.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S5

big brown bat

Eptesicus fuscus

Any wooded areas or woodlands except south Texas. Riparian areas in west Texas.

State Status:

SGCN: Y

Federal Status: Endemic: N

Global Rank: G5

State Rank: S5

big free-tailed bat

Nyctinomops macrotis

Habitat data sparse but records indicate that species prefers to roost in crevices and cracks in high canyon walls, but will use buildings, as well; reproduction data sparse, gives birth to single offspring late June-early July; females gather in nursery colonies; winter habits undetermined, but may hibernate in the Trans-Pecos; opportunistic insectivore

Federal Status:

State Status:

SGCN: Y

Endemic:

Global Rank: G5

State Rank: S3

eastern red bat

Lasiurus borealis

Found in a variety of habitats in Texas. Usually associated with wooded areas. Found in towns especially during migration.

Federal Status:

State Status:

SGCN· Y

Endemic: N

Global Rank: G3G4

State Rank: S4

eastern spotted skunk

Spilogale putorius

Generalist; open fields prairies, croplands, fence rows, farmyards, forest edges & Defer woodlands. Prefer woodled, brushy areas & Defer woodled, brushy are

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G4

State Rank: S1S3

DISCLAIMER

MAMMALS

hoary bat

Lasiurus cinereus

Known from montane and riparian woodland in Trans-Pecos, forests and woods in east and central Texas.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G3G4

State Rank: S4

humpback whale

Megaptera novaeangliae

Inhabits tropical, subtropical, temperate, and subpolar waters world wide. Migrate up to 5,000 miles between colder water (feeding grounds) and warmer water (calving grounds) each year. They will use both open ocean and coastal waters, sometimes including inshore areas such as bays, and are often found near the surface; however, this species is rare in the Gulf of Mexico. The northwest Atlantic/Gulf of Mexico distinct population segment is not considered at risk of extinction and is not listed as Endangered on the Endangered Species Act.

Federal Status: LE

State Status: E

SGCN: N

Endemic: N

Global Rank: G4

State Rank: SNR

long-tailed weasel

Mustela frenata

Includes brushlands, fence rows, upland woods and bottomland hardwoods, forest edges & rocky desert scrub. Usually live close to water.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S5

Louisiana black bear

Ursus americanus luteolus

Bottomland hardwoods, floodplain forests, upland hardwoods with mixed pine; marsh. Possible as transient; bottomland hardwoods and large

tracts of inaccessible forested areas.

Federal Status:

State Status: T

SGCN: Y

Endemic: N

Global Rank: G5T2

State Rank: SNA

Mexican free-tailed bat

Tadarida brasiliensis

Roosts in buildings in east Texas. Largest maternity roosts are in limestone caves on the Edwards Plateau. Found in all habitats, forest to desert.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S5

mink

Neovison vison

Intimately associated with water; coastal swamps & marshes, wooded riparian zones, edges of lakes. Prefer floodplains.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S4

mountain lion

Puma concolor

Generalist; found in a wide range of habitats statewide. Found most frequently in rugged mountains & amp; riparian zones.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S2S3

plains spotted skunk

Spilogale putorius interrupta

DISCLAIMER

MAMMALS

Generalist; open fields, prairies, croplands, fence rows, farmyards, forest edges, and woodlands; prefers wooded, brushy areas and tallgrass prairie

Federal Status:

State Status:

SGCN: N

Endemic: N

Global Rank: G4T4

State Rank: S1S3

Rafinesque's big-eared bat

Corynorhinus rafinesquii

Historically, lowland pine and hardwood forests with large hollow trees, roosts in cavity trees of bottomland hardwoods, concrete culverts, and

abandoned man-made structures

Federal Status:

State Status: T

SGCN: Y

Endemic: N

Global Rank: G3G4

State Rank: S2

southeastern myotis bat

Myotis austroriparius

Caves are rare in Texas portion of range; buildings, hollow trees are probably important. Historically, lowland pine and hardwood forests with large hollow trees; associated with ecological communities near water. Roosts in cavity trees of bottomland hardwoods, concrete culverts, and abandoned man-made structures.

Federal Status: Endemic: N

State Status:

SGCN: Y

Global Rank: G4

State Rank: S3

southern short-tailed shrew

Blarina carolinensis

Found in East Texas pine forests and agricultural land. May favor areas with abundant leaf litter and fallen logs (Baumgardner et al. 1992). Nest sites are probably under logs, stumps and other debris.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S4

swamp rabbit

Sylvilagus aquaticus

Primarily found in lowland areas near water including: cypress bogs and marshes, floodplains, creeks and rivers. Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S5

thirteen-lined ground squirrel

Ictidomys tridecemlineatus

Prefers short grass prairies with deep soils for burrowing. Frequently found in grazed ranchland, mowed pastures, and golf courses.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S5

tricolored bat

Perimyotis subflavus

Forest, woodland and riparian areas are important. Caves are very important to this species.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G2G3

State Rank: S3S4

western hog-nosed skunk

Conepatus leuconotus

DISCLAIMER

MAMMALS

Habitats include woodlands, grasslands & amp; deserts, to 7200 feet, most common in rugged, rocky canyon country; little is known about the habitat of the ssp. telmalestes

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G4

State Rank: S4

MOLLUSKS

Louisiana pigtoe

Pleurobema riddellii

Occurs in small streams to large rivers in slow to moderate currents in substrates of clay, mud, sand, and gravel. Not known from impoundments (Howells 2010f; Randklev et al. 2013b; Troia et al. 2015). [Mussels of Texas 2019]

Federal Status:

State Status: T

SGCN: Y

Endemic: N

Global Rank: G1G2

State Rank: S1

sandbank pocketbook

Lampsilis satura

Occurs in small streams to large rivers in slow to moderate current in sandy mud to sand and gravel substrate. Can occur in a variety of habitats but most common in littoral habitats such as banks or backwaters or in protected areas along point bars (Randklev et al. 2013b; Randklev et al. 2014a; Troia et al. 2015). [Mussels of Texas 2019]

Federal Status:

State Status: T

SGCN: Y

Endemic:

Global Rank: G2?

State Rank: S1

REPTILES

alligator snapping turtle

Macrochelys temminckii

Aquatic: Perennial water bodies; rivers, canals, lakes, and oxbows; also swamps, bayous, and ponds near running water; sometimes enters brackish coastal waters. Females emerge to lay eggs close to the waters edge.

Federal Status:

State Status: T

SGCN: Y

Endemic: N

Global Rank: G3G4

State Rank: S2

American alligator

Alligator mississippiensis

Aquatic: Coastal marshes; inland natural rivers, swamps and marshes; manmade impoundments.

Federal Status:

State Status:

SGCN: N

Endemic: N

Global Rank: G5

State Rank: S4

common garter snake

Thamnophis sirtalis

Terrestrial and aquatic: Habitats used include the grasslands and modified open areas in the vicinity of aquatic features, such as ponds, streams or marshes. Damp soils and debris for cover are thought to be critical.

Federal Status:

State Status:

SGCN: N

Endemic:

Global Rank: G5

State Rank: S2

DISCLAIMER

REPTILES

eastern box turtle

Terrapene carolina

Terrestrial: Eastern box turtles inhabit forests, fields, forest-brush, and forest-field ecotones. In some areas they move seasonally from fields in spring to forest in summer. They commonly enters pools of shallow water in summer. For shelter, they burrow into loose soil, debris, mud, old stump holes, or under leaf litter. They can successfully hibernate in sites that may experience subfreezing temperatures.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S3

loggerhead sea turtle

Caretta caretta

Inhabits tropical, subtropical, and temperate waters worldwide, including the Gulf of Mexico. They migrate from feeding grounds to nesting beaches/barrier islands and some nesting does occur in Texas (April to September). Beaches that are narrow, steeply sloped, with coarse-grain sand are preffered for nesting. Newly hatched individuals depend on floating alage/seaweed for protection and foraging, which eventually transport them offshore and into open ocean. Juveniles and young adults spend their lives in open ocean, offshore before migrating to coastal areas to breed and nest. Foraging areas for adults include shallow continental shelf waters.

Federal Status: LT

State Status: T

SGCN: Y

Endemic:

Global Rank: G3

State Rank: S4

slender glass lizard

Ophisaurus attenuatus

Terrestrial: Habitats include open grassland, prairie, woodland edge, open woodland, oak savannas, longleaf pine flatwoods, scrubby areas, fallow fields, and areas near streams and ponds, often in habitats with sandy soil.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S3

smooth softshell

Apalone mutica

Aquatic: Large rivers and streams; in some areas also found in lakes and impoundments (Ernst and Barbour 1972). Usually in water with sandy or mud bottom and few aquatic plants. Often basks on sand bars and mudflats at edge of water. Eggs are laid in nests dug in high open sandbars and banks close to water, usually within 90 m of water (Fitch and Plummer 1975).

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S3

Texas diamondback terrapin

Malaclemys terrapin littoralis

Coastal marshes, tidal flats, coves, estuaries, and lagoons behind barrier beaches; brackish and salt water; burrows into mud when inactive. Bay islands are important habitats. Nests on oyster shell beaches.

Federal Status:

State Status:

SGCN: Y

Endemic: Y

Global Rank: G4T3Q

State Rank: S2

Texas horned lizard

Phrynosoma cornutum

Terrestrial: Open habitats with sparse vegetation, including grass, prairie, cactus, scattered brush or scrubby trees; soil may vary in texture from sandy to rocky; burrows into soil, enters rodent burrows, or hides under rock when inactive. Occurs to 6000 feet, but largely limited below the pinyon-juniper zone on mountains in the Big Bend area.

Federal Status:

State Status: T

SGCN: Y

Endemic: N

Global Rank: G4G5

State Rank: S3

DISCLAIMER

REPTILES

timber (canebrake) rattlesnake

Crotalus horridus

Terrestrial: Swamps, floodplains, upland pine and deciduous woodland, riparian zones, abandoned farmland. Limestone bluffs, sandy soil or black clay. Prefers dense ground cover, i.e. grapevines, palmetto.

Federal Status:

State Status: T

SGCN: Y

Endemic: N

Global Rank: G4

State Rank: S4

western box turtle

Terrapene ornata

Terrestrial: Ornate or western box trutles inhabit prairie grassland, pasture, fields, sandhills, and open woodland. They are essentially terrestrial but sometimes enter slow, shallow streams and creek pools. For shelter, they burrow into soil (e.g., under plants such as yucca) (Converse et al. 2002) or enter burrows made by other species.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S3

western hognose snake

Heterodon nasicus

Terrestrial: Shortgrass or mixed grass prairie, with gravel or sandy soils. Often found associated with draws, floodplains, and more mesic habitats within the arid landscape. Frequently occurs in shrub encroached grasslands.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5

State Rank: S4

PLANTS

awnless bluestem

Bothriochloa exaristata

Coastal prairies on black clay; Perennial; Flowering April-Dec; Fruiting April- Dec

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G4

State Rank: S3

coastal gay-feather

Liatris bracteata

Coastal prairie grasslands of various types, from salty prairie on low-lying somewhat saline clay loams to upland prairie on nonsaline clayey to sandy loams; flowering in fall

Federal Status:

State Status:

SGCN: Y

Endemic: Y

Global Rank: G2G3

State Rank: S2S3

corkwood

Leitneria pilosa ssp. pilosa

Wet or saturated silty soils along brackish or freshwater swamps and ponds and other low, poorly drained sites; flowers in early spring, fruiting

as early as May

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G3T2

State Rank: S2

DISCLAIMER

PLANTS

Correll's false dragon-head

Physostegia correllii

Wet, silty clay loams on streamsides, in creek beds, irrigation channels and roadside drainage ditches; or seepy, mucky, sometimes gravelly soils along riverbanks or small islands in the Rio Grande; or underlain by Austin Chalk limestone along gently flowing spring-fed creek in central Texas; flowering May-September

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G2

State Rank: S2

giant sharpstem umbrella-sedge

Cyperus cephalanthus

In Texas on saturated, fine sandy loam soils, along nearly level fringes of deep prairie depressions; also in depressional area within coastal prairie remnant on heavy black clay; in Louisiana, most sites are coastal prairie on poorly drained sites, some on slightly elevated areas surrounded by standing shallow water, and on moderately drained sites; soils include very strongly acid to moderately alkaline silt loams and silty clay loams; flowering/fruiting May-June, August-September, and possibly other times in response to rainfall

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G3?Q

State Rank: S1

goldenwave tickseed

Coreopsis intermedia

In deep sandy soils of sandhills in openings in or along margins of post oak woodlands and pine-oak forests of east Texas; Perennial;

Flowering/Fruiting May-Aug

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G3

State Rank: S3

Houston daisy

Rayjacksonia aurea

On and around naturally barren or sparsely vegetated saline slick spots or pimple mounds on coastal prairies, usually on sandy to sandy loam soils, occasionally in pastures and on roadsides in similar soil types where mowing may mimic natural prairie disturbance regimes; flowering late September-November (-December)

Federal Status:

State Status:

SGCN: Y

Endemic: Y

Global Rank: G2

State Rank: S1

Indianola beakrush

Rhynchospora indianolensis

Locally abundant in cattle pastures in some areas (at least during wet years), possibly becoming a management problem in such sites; Perennial;

Flowering/Fruiting April-Nov

Federal Status:

State Status:

SGCN: Y

Endemic: Y

Global Rank: G3O

State Rank: S3

Oklahoma grass pink

Calopogon oklahomensis

Mesic, acidic, sandy to loamy prairies, pine savannas, oak woodlands, edges of bogs, and frequently mowed meadows (Goldman, Magrath & Doldman, Mag

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G3

State Rank: S1S2

panicled indigobush

Amorpha paniculata

DISCLAIMER

PLANTS

A stout shrub, 3 m (9 ft) tall that grows in acid seep forests, peat bogs, wet floodplain forests, and seasonal wetlands on the edge of Saline Prairies in East Texas. It is distinguished from other Amorpha species by its fuzzy leaflets with prominent raised veins underneath, and the flower panicles, which are 8 to 16 inches long and slender, held above the foliage. Perennial; Flowering summer

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G2G3

State Rank: S2

Shinner's sunflower

Helianthus occidentalis ssp. plantagineus

Mostly in prairies on the Coastal Plain, with several slightly disjunct populations in the Pineywoods and South Texas Brush Country.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G5T2T3

State Rank: S4

South Texas false cudweed

Pseudognaphalium austrotexanum

In sandy grasslands on eroded area above saline flats; along edge of sendero through mesquite woodland and shrub mottes on sandy loam; on gravel and silt bars and flats in scour plain of streams (TEX-LL specimens Carr 23682, 29264, 22647, 27206). Oct-Jan, sometimes in spring.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G3

State Rank: S3

Texas ladies'-tresses

Spiranthes brevilabris var. brevilabris

Sandy soils in moist prairies, incl. blackland/Fleming prairies, calcareous prairie pockets surrounded by pines, pine-hardwood forest, open pinelands, wetland pine savannahs/flatwoods, and dry to moist fields, meadows, and roadsides. Delicate, nearly ephemeral orchid, producing winter rosettes, flowers Feb-Apr. Historically endemic to SE coastal plain.

Federal Status:

State Status:

SGCN: Y

Endemic: N

Global Rank: G1G2

State Rank: S1

Texas meadow-rue

Thalictrum texanum

Mostly found in woodlands and woodland margins on soils with a surface layer of sandy loam, but it also occurs on prairie pimple mounds; both on uplands and creek terraces, but perhaps most common on claypan savannas; soils are very moist during its active growing season; flowering/fruiting (January-)February-May, withering by midsummer, foliage reappears in late fall(November) and may persist through the winter

Federal Status:

State Status:

SGCN: Y

Endemic: Y

Global Rank: G2Q

State Rank: S2

Texas prairie dawn

Hymenoxys texana

In poorly drained, sparsely vegtated areas (slick spots) at the base of mima mounds in open grassland or almost barren areas on slightly saline soils that are sticky when wet and powdery when dry; flowering late February-early April

Federal Status: LE

State Status: E

SGCN: Y

Endemic: Y

Global Rank: G2

State Rank: S2

DISCLAIMER

PLANTS

Texas tauschia

Tauschia texana

Occurs in loamy soils in deciduous forests or woodlands on river and stream terraces; Perennial; Flowering/Fruiting Feb-April

Federal Status:

State Status:

SGCN: Y

Endemic: Y

Global Rank: G3

State Rank: S3

Texas willkommia

Willkommia texana var. texana

Mostly in sparsely vegetated shortgrass patches within taller prairies on alkaline or saline soils on the Coastal Plain (Carr 2015).

Federal Status:

State Status:

SGCN: Y

Endemic: Y

Global Rank: G3G4T3

State Rank: S3

Texas windmill grass

Chloris texensis

Sandy to sandy loam soils in relatively bare areas in coastal prairie grassland remnants, often on roadsides where regular mowing may mimic

natural prairie fire regimes; flowering in fall

Federal Status:

State Status:

SGCN: Y

Endemic: Y

Global Rank: G2

State Rank: S2

Tharp's dropseed

Sporobolus tharpii

Occurs on barrier islands, shores of lagoons and bays protected by the barrier islands, and on shores of a few near-coastal ponds. Plants occur at the bases of dunes, in interdune swales and sandflats, and on upper beaches. The substrate is of Holocene age.

Federal Status:

State Status:

SGCN- Y

Endemic: Y

Global Rank: G3

State Rank: S3

threeflower broomweed

Thurovia triflora

Near coast in sparse, low vegetation on a veneer of light colored silt or fine sand over saline clay along drier upper margins of ecotone between between salty prairies and tidal flats; further inland associated with vegetated slick spots on prairie mima mounds; flowering September-November

Federal Status:

State Status:

SGCN: Y

Endemic: Y

Global Rank: G2G3

State Rank: S2S3

DISCLAIMER

Appendix E

Scientific Name: Anaxyrus houstonensis

Occurrence #:

Eo ld: 3746

Common Name:

Houston toad

Track Status: Track all extant and selected historical EOs

Identification Confirmed:

Y - Yes

TX Protection Status:

Global Rank:

G1

State Rank:

S1

Federal Status:

LE

3

Е

Location Information:

Directions

VICINITY OF TANNER AND CAMPBELL ROADS, CITY OF HOUSTON, HARRIS COUNTY, TEXAS (Type Locality) and FAIRBANKS (Paratypes Locality).

Survey Information:

First Observation:

1952

Survey Date:

Last Observation:

1976

Eo Type:

Eo Rank:

Eo Rank Date:

1984-01-01

Observed Area:

Comments:

General

SANDY SUBSTRATE, BREEDS IN STOCK TANKS AND TEMPORARY POOLS. EXTENSIVE URBANIZATION

Description:

TAKING PLACE.

Comments:

FEARED EXTIRPATED, URBANIZATION THREATENS. NOT A PROTECTABLE LOCATION.

<u>Protection</u>

Comments:

PROTECT IF SPECIES PRESENT.

Management

FIND RECENT INDIVIDUAL

Comments:

Data:

EO Data:

TYPE LOCALITY OF THIS TOAD NOTED AS VICINITY OF TANNER AND CAMPBELL ROADS. PARATYPES LOCALITY NOTED SIMPLY AS FAIRBANKS. BREEDS IN SPRING AFTER RAIN (FEB.), USUALLY IN RAIN POOLS, SOMETIMES TANKS. WEAK BURROWER, NEEDS SAND SUBSTRATE. HABITAT DISTURBANCE MAY FACILITATE HYBRIDS WITH OTHER BUFO SP.

Community Information:

Scientific Name:

Stratum:

Dominant:

Lifeform:

Composition Note:

Reference:

Citation:

BROWN, L.E., ET. AL., 1983. AGENCY REVIEW DRAFT OF THE RECOVERY PLAN FOR THE HOUSTON TOAD (BUFO HOUSTONENSIS). USF& WS, ALBUQUERQUE, NM. 48PP.

BROWN, LAUREN E., 1971. NATURAL HYBRIDIZATION AND TREND TOWARD EXTINCTION IN SOME RELICT TEXAS TOAD POPULATIONS. SOUTHWESTERN NATURALIST 16(2):185-199.

QUINN, HUGH R. AND GREG MENGDEN. 1984. REPRODUCTION AND GROWTH OF BUFO HOUSTONENSIS (BUFONIDAE). S.W. NAT. 29(2): 189-195.

QUINN, HUGH. NO DATE. CURATOR OF REPTILES HOUSTON ZOOLOGICAL GARDENS PARKS & RECREATION DEPARTMENT PH-713/520-3208.

Specimen:

University of Michigan Museum of Zoology. 1952. J.C. Wottring and W.J. Greer, three specimens, UMMZ 127825-7. 18 May 1952.

Scientific Name:

Bothriochloa exaristata

Occurrence #:

Eo ld:

10481

Common Name:

awnless bluestem

Track Status: Track all extant and selected historical EOs

Identification Confirmed:

Y - Yes

TX Protection Status:

Global Rank:

G4

State Rank:

S3

Federal Status:

Location Information:

Directions

SMALL PATCH AT PRAIRIE ALONG GESSNER RD CA 100 YDS S OF TANNER RD AT NW EDGE OF HOUSTON.

Survey Information:

First Observation:

Survey Date:

Last Observation:

1986-09-16

Eo Type:

Eo Rank:

Eo Rank Date:

Observed Area:

Comments:

General

PRAIRIE HABITAT NOT DESCRIBED ON SPECIMEN LABEL.

Description:

Comments:

Protection Comments:

Management Comments:

Data:

EO Data:

Community Information:

Scientific Name:

Stratum:

Dominant:

Lifeform:

Composition Note:

Reference:

Citation:

BROWN, L.E. (10682). 1986. SPECIMEN # NONE SPRING BRANCH SCIENCE CENTER.

Specimen:

BROWN, L.E. (10682). 1986. SPECIMEN # NONE SPRING BRANCH SCIENCE CENTER. (S86BRO01TXUS)

Scientific Name: Bothriochloa exaristata Common Name: awnless bluestem Identification Confirmed: Global Rank: G4 State Ran	ı <u>k:</u> S3	Occurrence #: 27						
Location Information:								
<u>Directions</u> Small patch of prairie vegetation along Gessner Road ca. 100 yds S of Tanner Rd. at NW edge of Houston.								
Survey Information:								
First Observation:	Survey Date:	Last Observation: 1986-09-16						
Eo Type:	Eo Rank:	Eo Rank Date:						
Observed Area:								
Comments:								
General Description:								
Comments: Complete label citation: Small patch of prairie vegetation along Gessner Road ca. 100 yds S of Tanner Rd. at NW edge of Houston, 16 Sep 1986, L. E. Brown 10682 (SBSC).								
Protection Comments:								
Management Comments:								
Data:								
EO Data:								
Community Information:								
Scientific Name: Stratum:	<u>Dominant:</u> <u>L</u>	Lifeform: Composition Note:						
Reference:								
<u>Citation:</u>								
Specimen:								
L. E. Brown 10682 (SBSC).								

Scientific Name:

Chloris texensis

Occurrence #:

17

Eo ld: 6663

Common Name:

Texas windmill grass

Track Status: Track all extant and selected historical EOs

Identification Confirmed:

Y - Yes

TX Protection Status:

Global Rank:

State Rank:

Federal Status:

Location Information:

Directions

1.3 MILES SOUTH OF HWY 290 (IN NORTHWEST HOUSTON) ON GESSNER ROAD;0.5 MILE WEST OF TANNER ROAD;0.2 MILE SOUTH ON CLARA TO HOUSTON COMMUNITY COLLEGE; IN FIELD BEHIND (EAST OF) BLDGS.

Survey Information:

First Observation:

1985-10-23

Survey Date:

S2

1985-10-23

Last Observation:

1999-11-06

Eo Type:

Eo Rank:

Eo Rank Date:

1985-10-23

Observed Area:

10.00

Comments:

<u>General</u>

LEVEL, WET, GRASSY FIELD; SEASONALLY INUNDATED (WET AT THE SURVEY DATE); SANDY SOIL

Description:

WITH CLAY POCKETS; FORMER FOOTBALL STADIUM AND FIELD

Comments:

Protection Comments:

Management

MOWED TWICE PER YEAR

Comments:

Data:

EO Data:

IN 1985, IN FLOWER AND FRUIT; APPROXIMATELY 100 MATURE, HEALTHY INDIVIDUALS; IN 1997, NONE SEEN, CULTIVATED GRASSES HAVE BEEN PLANTED, MOWED TO CA. 4 INCHES; IN 1998, 2000-2002 SITE NOT SURVEYED; 16 NOVEMBER 1999, 150 INFLORESCENCES COUNTED

Community Information:

Scientific Name:

Stratum:

Dominant:

Lifeform:

Composition Note:

Reference:

Citation:

POOLE, J. M. 1985. FIELD SURVEY TO HOUSTON COMMUNITY COLLEGE OF OCTOBER 23, 1985.

BROWN, LARRY E. HOUSTON COMMUNITY COLLEGE (PROFESSOR). 726 HORNCASTLE, CHANNELVIEW, TEXAS. 77530. (H) 713/452-1105

LINAM, LEE ANN. NO DATE. WILDLIFE DIVERSITY BRANCH, TEXAS PARKS AND WILDLIFE DEPARTMENT, 200 HOOTS HOLLER, WIMBERLEY, TX 78676; PHONE (512) 847-9480; leeann.linam@tpwd.state.tx.us

Linam, Lee Ann. 2000. Performance Report for Project 72: Monitoring program for species of concern in Texas (Texas Nature Tracker data). Grant No. E-1-11, Endangered and Threatened Species Conservation. 14 November 2000.

Linam, L. A. 2002. Final Report. Project WER 09(72): Implementation of candidate species monitoring. Grant No. E-9 Endangered and Threatened Species Conservation. Submitted to Texas Parks and Wildlife Department, Austin, TX. 1 November 2002.

Specimen:

ROBERT A. VINES ENVIRONMENTAL SCIENCE CENTER HERBARIUM (SPRING BRANCH SCIENCE CENTER). 1985. L.E. BROWN #?, SPECIMEN #? SB. 23 OCTOBER 1985.

Stephen F. Austin State University Herbarium. 1985. L.E. Brown #9604B, Specimen #? ASTC. 24 October 1985.

Scientific Name:

Coreopsis intermedia

Occurrence #:

17

Eo ld: 1609

Common Name:

goldenwave tickseed

Track Status: Track all extant and selected historical EOs

<u>Identification Confirmed:</u>

Y - Yes

TX Protection Status:

Global Rank:

G3

State Rank:

S3

Federal Status:

Location Information:

Directions

ABOUT 5 MILES SOUTH OF DECO [LABEL SAYS FREESTONE COUNTY; HOWEVER, THE ONLY "DECO" I COULD FIND IS IN HARRIS COUNTY - WRC]

Survey Information:

First Observation:

Survey Date:

Last Observation:

1944-06-16

Eo Type:

Eo Rank:

Eo Rank Date:

2006-12-07

Observed Area:

Comments:

<u>General</u>

SANDY WOODLAND

Description:

Comments:

Protection Comments:

<u>Management</u> Comments:

Data:

EO Data:

ERECT PERENNIAL HERB; COROLLA BRIGHT YELLOW

Community Information:

Scientific Name:

Stratum:

Dominant:

Lifeform:

Composition Note:

Reference:

Citation:

LUNDELL, C.L. AND A.A. LUNDELL (?). 1944. SPECIMEN # NONE TEX-LL.

Specimen:

LUNDELL, C.L. AND A.A. LUNDELL (?). 1944. SPECIMEN # NONE TEX-LL. (S44LUNTXTXUS)

University of Texas at Austin, Lundell Herbarium. 1944. C.L. Lundell #12959 and A.A. Lundell, Specimen # none TEX-LL. 16 June 1944.

1/22/2020

Scientific Name:

Hymenoxys texana

Occurrence #:

Eo ld:

Common Name:

Texas prairie dawn

Track Status:

Track all extant and selected historical EOs

1574

Identification Confirmed:

Y - Yes

TX Protection Status:

Global Rank:

G2

State Rank:

Federal Status:

LE

E

Location Information:

Directions

CA. 0.5 MILES SOUTHWEST OF GESSNER & CLAY ROADS IN NORTHWEST HOUSTON. CA 0.2 MILES NORTH OF KEMPFOREST ROAD DEAD END.

Survey Information:

First Observation:

Survey Date:

S2

1988-03-29

Last Observation:

1988-03-29

Eo Type:

Eo Rank:

С

Eo Rank Date:

Observed Area:

2.00

Comments:

General Description:

REMNANT UNBURNED COASTAL PRAIRIE WITH LARGE MIMA MOUNDS ON LISSIE FORMATION (QUATERNARY AGE). MAPPED AS GESSNER SOIL, PROBABLY NARTA SERIES (TYPIC NATRAQUALFS).

Comments:

SITE #6,7,8 IN RECOVERY PLAN. ON WEST BELT MAP SENT BY JULIE MASSEY OF THE USFWS FIELD

OFFICE IN HOUSTON.

Protection

Comments:

<u>Management</u>

Comments:

<u>Data:</u>

EO Data:

SITE #8 ESTIMATED APPROXIMATELY 100 ROBUST PLANTS NEAR ANT MOUND. SITES #6 & #7 HAVE BEEN SCRAPED. #6 PROBABLY HAS BEEN EXTIRPATED, ALL OF THESE ARE MAPPED AS A SINGLE OCCURRENCE SINCE THEY WERE ORIGINALLY A POPULATION PRIOR TO DISTURBANCE

Community Information:

Scientific Name:

Stratum:

Dominant:

Lifeform:

Composition Note:

Reference:

Citation:

ORZELL, STEVE AND JACKIE POOLE. 1988. FIELD SURVEY OF HYMENOXYS TEXANA SITES, 28-30 MARCH 1988.

YOUNG, STEPHEN M. AND LARRY E. BROWN. 1987. TEXAS BITTERWEED (HYMENOXYS TEXANA) RECOVERY PLAN.

Specimen:	*		-

Scientific Name: Hymenoxys texana Occurrence #: 7 <u>Eo Id:</u> 7337

<u>Common Name:</u> Texas prairie dawn <u>Track Status:</u> Track all extant and selected historical EOs

Identification Confirmed: Y - Yes TX Protection Status: E

Global Rank: G2 State Rank: S2 Federal Status: LE

Location Information:

Directions

1.3 MI SOUTH OF HWY 290 ON GESSNER ROAD, 0.5 MI WEST ON TANNER ROAD, 0.2 MI SOUTH ON CLARA TO HOUSTON COMMUNITY COLLEGE, IN FIELD EAST OF BUILDING

Survey Information:

First Observation: 1986 Survey Date: 1986-03-11 Last Observation: 1988-03-30

Eo Type: Eo Rank: B Eo Rank Date:

Observed Area: 10.00

Comments:

General LEVELLED GRASSY FIELD; FORMER COASTAL PRAIRIE WITH MIMA MOUNDS; SEASONALLY

Description: SATURATED; SALINE FINE SANDY LOAM WITH CLAY HARDPAN; WITH GRATIOLA FLAVA, CHAETOPAPPA

ASTEROIDES

Comments: SITE #5 IN RECOVERY PLAN.

Protection Comments:

Management MOWED TWICE PER YEAR

Comments:

Data:

EO Data: IN FLOWER; APPROXIMATELY 200 HEALTHY INDIVIDUALS ABOUT HALF IN FLOWER; SOME FLOWER

HEADS EATEN BY INSECTS ON 86-03-11, TWO COLONIES WITH AN ESTIMATED 625 PLANTS ON 88-03-30.

Community Information:

Scientific Name: Stratum: Dominant: Lifeform: Composition Note:

Reference:

Citation:

POOLE, J.M. 1986. FIELD SURVEY TO HOUSTON COMMUNITY COLLEGE/CY-FAIR CAMPUS OF 11 MARCH 1986.

YOUNG, STEPHEN M. AND LARRY E. BROWN. 1987. TEXAS BITTERWEED (HYMENOXYS TEXANA) RECOVERY PLAN.

Specimen:	

Scientific Name: Hymenoxys texana

Occurrence #:

Eo ld:

8

E

4961

Common Name:

Texas prairie dawn

Track Status: Track al

Track all extant and selected historical EOs

Identification Confirmed:

Y - Yes

TX Protection Status:

Global Rank:

G2

State Rank: S2

Federal Status:

LE

Location Information:

Directions

SEVERAL SMALL POPULATIONS NEAR OIL WELL, NORTH OF CLAY ROAD & EAST OF INTERSECTION WITH ADDICKS-FAIRBANKS ROAD (NORTH ELDRIDGE PARKWAY) ALONG AND EAST OF PIPELINE IN ADDICKS RESERVOIR

Survey Information:

First Observation:

1988-03-29

Survey Date:

1988-03-29

Last Observation:

2000-SPRG

Eo Type:

Eo Rank:

Α

Eo Rank Date:

1988-03-29

Observed Area:

40.00

Comments:

General Description: IN 1988, ON OR NEAR BASE OF MIMA MOUNDS WITH BARE, WHITE, SALINE "SLICK SPOTS" IN DEGRADED UPPER COASTAL PRAIRIE REMNANT ON LISSIE FORMATION (QUATERNARY); PROBABLY

NARTA SOIL; 1996, PORTIONS OF (A) AND (B) BECOMING OVERGROWN; 1997 (C) BECOMING

OVERGROWN; 1998 (B) NOT AS OVERGROWN, HORSES OPENING UP COVER, (C) OVERGROWN; 2000

(B) BETTER HABITAT, MORE OPEN THAN LAST YEAR

Comments:

IN 1988, SITE #9 IN RECOVERY PLAN; SITE #1,2,3 IN GALVESTON CORPS OF ENGINEERS MAP & REPORT; BARROWS 1996, 2001 ADDICKS HYMENOXYS TEXANA#043-045, 050, 054-056, SUBPOP (A) ADDICKS HYMENOXYS TEXANA#043-045, 050, (B) ADDICKS HYMENOXYS TEXANA#054, (C) ADDICKS HYMENOXYS TEXANA#055-056

Protection Comments:

Management Comments:

Data:

EO Data:

In 1988, estimated 12,100 total plants observed on 88-03-29 growing with annual herbs and some drought tolerant low perennial herbs; largest mima mound ca 25 ft across with ca 10,000 plants around perimeter of base; 1993-2000, 3 subpopulations a,b,c; 1993(a) 200-500 plants with nickel size rosettes; 1994(a) >1200 plants with nickel to half dollar size rosettes, (b) <10 plants with dime size rosettes, (c) 300-500 plants with quarter to half dollar size rosettes; 1995 no data; 1996(a) 510 plants with dime to half dollar size rosettes, (b) 0 plants, (c) no data; 1997(a) 271 plants with nickel to quarter size rosettes, (b) 0 plants, (c) 25 plants with quarter to half dollar size rosettes; 1998(a) 90 plants with dime to half dollar size rosettes, (b) and (c) 0 plants; 1999(a) 108 plants with dime to quarter size rosettes, some in bloom, (b) 0 plants, (c) 4 plants with dime to nickel size rosettes (plants dead, too late in season)

size rosettes (plants dead, too late in season)

some in bloom, (b) 0 plants, (c) 4 plants with dime to nickel size rosettes (plants dead, too late in season)

Community Information:

<u>Scientific Name:</u> <u>Dominant:</u> <u>Lifeform:</u> <u>Composition Note:</u>

Reference:

Citation:

ORZELL, STEVE AND JACKIE POOLE. 1988. FIELD SURVEY OF HYMENOXYS TEXANA SITES, 28-30 MARCH 1988.

Barrows, James. 2001. Email of 23 February to Sandy Birnbaum, Texas Parks and Wildlife Department, Texas Natural Diversity Database Manager, concerning observations for Hymenoxys texana at the Addicks and Barker reservoirs.

Barrows, James. 1996. Maps and directions, sent to Bill Carr on 31 July 1996, for population sites of Hymenoxys texana for survey years from 1987 through 1996 at the Addicks and Barker reservoirs.

YOUNG, STEPHEN M. AND LARRY E. BROWN. 1987. TEXAS BITTERWEED (HYMENOXYS TEXANA) RECOVERY PLAN.

SHIPLEY, VAN V. 1987. ANNUAL REPORT FOR HYMENOXYS TEXANA.

Scientific Name:

Hymenoxys texana

Occurrence #:

9 **Eo ld**:

Common Name:

Texas prairie dawn

Track Status:

Track all extant and selected historical EOs

281

Identification Confirmed:

Y - Yes

TX Protection Status:

Global Rank:

G2

State Rank:

Federal Status:

LE

Е

Location Information:

Directions

CA. 900 FEET NORTH OF CLAY ROAD & WEST OF ADDICKS-FAIRBANK ROAD (NORTH ELDRIDGE PARKWAY) IN ADDICKS RESERVOIR

Survey Information:

First Observation:

1988-03-29

Survey Date:

S2

1988-03-29

Last Observation:

2000-SPRG

Eo Type:

Eo Rank:

В

Eo Rank Date:

1988-03-29

Observed Area:

Comments:

General Description:

IN 1988, DEGRADED BUT RECOVERABLE GRAZED COASTAL PRAIRIE WITH SCATTERED MYRICA CERIFERA AND ILEX VOMITORIA: LISSIE FORMATION: PROBABLY NARTA SOIL SERIES (TYPIC

NATRAQUALFS); 1998 AREA ALONG FENCELINE OVERGROWN

Comments:

IN 1988, CITY PARK PLANS FOR PICNIC AREA & NATURE TRAILS; SITE #18 IN RECOVERY PLAN; SITE #4

IN GALVESTON CORPS REPORT; POPULATION CONSISTS OF NUMEROUS SUBPOPULATIONS;

BARROWS 1996, 2001 ADDICKS HYMENOXYS TEXANA #013, 014, 035, 036, 038, 057-060, 062; BARROWS

2001 HAS DATA BROKEN DOWN FOR EACH SUBPOPULATION

Protection Comments:

Management Comments:

Data:

EO Data:

Three colonies observed on 88-03-29 estimated between 1,200-2,100 plants (lower western portion of population); 1993-2000 data is totals for 10 subpopulations; 1993, 200-400 plants (late blooming) with nickel to quarter size rosettes; 1994, >6000 healthy plants with all sizes of rosettes; 1995, 580-850 plants with dime to half dollar size rosettes (most plants unhealthy to moderately healthy); 1996, 1595 plants with dime to half dollar size rosettes (majority of plants healthy); 1997, 945 plants with dime to silver dollar size rosettes; 1998, 1205 plants with dime to half dollar size rosettes; 1999, 1819 plants with dime to silver dollar size rosettes (portion of population scattered, another portion has stalks eaten off); 2000, 2535 plants (majority of plants blooming) with dime to silver dollar size rosettes (portion of population looked half dead, portion of population scattered)

br>

Community Information:

Scientific Name:

Stratum:

Dominant:

Lifeform:

Composition Note:

Reference:

Citation:

Barrows, James. 2001. Email of 23 February to Sandy Birnbaum, Texas Parks and Wildlife Department, Texas Natural Diversity Database Manager, concerning observations for Hymenoxys texana at the Addicks and Barker reservoirs.

Barrows, James. 1996. Maps and directions, sent to Bill Carr on 31 July 1996, for population sites of Hymenoxys texana for survey years from 1987 through 1996 at the Addicks and Barker reservoirs.

UNPUBLISHED MAP. U.S. CORPS OF ENGINEERS, GALVESTON DISTRICT. 1988. HYMENOXYS TEXANA LOCATIONS FROM 1988 SURVEY OF ADDICKS-BARKER RESERVOIRS BY VAN SHIPLEY.

ORZELL, STEVE AND JACKIE POOLE. 1988. FIELD SURVEY OF HYMENOXYS TEXANA SITES, 28-30 MARCH 1988.

SHIPLEY, VAN V. 1987. ANNUAL REPORT FOR HYMENOXYS TEXANA.

YOUNG, STEPHEN M. AND LARRY E. BROWN. 1987. TEXAS BITTERWEED (HYMENOXYS TEXANA) RECOVERY PLAN.

Element Occurrence Record Scientific Name: Occurrence #: 25 Eo ld: 4035 Hymenoxys texana Common Name: Texas prairie dawn Track Status: Track all extant and selected historical EOs Е **Identification Confirmed:** Y - Yes **TX Protection Status:** Global Rank: S2 G2 Federal Status: LE State Rank: **Location Information: Directions** NORTH OF CLAY ROAD AND WEST OF ADDICKS - FAIRBANKS ROAD (N. ELDRIDGE PARKWAY) IN ADDICKS RESERVOIR. **Survey Information:** First Observation: Survey Date: 1988 Last Observation: 1988 Eo Type: Eo Rank Date: Eo Rank: Observed Area: 1.00 Comments: General **Description:** Comments: **Protection** Comments: **Management** Comments: Data: EO Data: SITE NEEDS SURVEY, MR. VAN SHIPLEY OF THE GALVESTON CORPS OF ENGINEERS SENT TOPO-MAP PLOTTED LOCATIONS (NO OTHER DATA), BASED ON HIS 1988 SURVEY OF ADDICKS - BARKER RESERVOIRS. **Community Information:**

Scientific Name: <u>Dominant:</u> <u>Lifeform:</u> <u>Composition Note:</u>

Reference:

Citation:

UNPUBLISHED MAP. U.S. CORPS OF ENGINEERS, GALVESTON DISTRICT. 1988. HYMENOXYS TEXANA LOCATIONS FROM 1988 SURVEY OF ADDICKS-BARKER RESERVOIRS BY VAN SHIPLEY.

Scientific Name:

Hymenoxys texana

Occurrence #:

26

E

Eo Id: 6938

Common Name:

Texas prairie dawn

Track Status:

Track all extant and selected historical EOs

Identification Confirmed:

Y - Yes

TX Protection Status:

Global Rank:

G2

State Rank:

S2.

Federal Status:

LE

Location Information:

Directions

CA 0.5-0.9 AIR MILES WEST OF ADDICKS - FAIRBANKS ROAD, 300-3000 FEET NORTH OF CLAY ROAD IN ADDICKS RESERVOIR

Survey Information:

First Observation:

1988

Survey Date:

1988

Last Observation:

2000-SPRG

Eo Type:

Eo Rank:

Eo Rank Date:

Observed Area:

Comments:

General Description: SPARSELY VEGETATED, UNSHADED OPENINGS ON COMPARATIVELY WELL-DRAINED LIGHT COLORED SANDY SOIL; 1996, PORTION OF SITE OVERGROWN, LEAF LITTER; 1997, PORTION OF SITE HAD STANDING WATER, PORTION OF SITE COVERED WITH ALGAE (DEADMAN'S FINGERS); 1998, PORTION

OF SITE WET AND OVERGROWN; 2000, PORTION OF SITE HAD STANDING WATER

Comments:

POPULATIONS AHT 037-042, AND 051-053 IN ARMY CORPS 1994 REPORT; BARROWS 1996, 2001 AHT #'S 037, 039-042, 051-053; BARROWS 2001 CONTAINS DATA BROKEN DOWN FOR EACH SUBPOPULATION

Protection

Comments:

Management Comments:

Data:

EO Data:

Mr. Van Shipley of the Galveston Corps of Engineers sent topo-map plotted locations (no other data), based on his 1988 survey of Addicks-Barker reservoirs; (1994-2000 data is totals for 8 subpopulations); Jim Barrows (army corps) found between 5000-9000 plants in 1994 with all sizes of rosettes, most plants healthy; 1995, no data; 1996, 2410 plants with dime to half dollar size rosettes, most plants healthy; 1997, 986 plants with dime to half dollar size rosettes; 1998, 745 plants with dime to silver dollar size rosettes; 1999, 1987 plants with dime to half dollar size rosettes; 2000, 2585 plants with dime to silver dollar size rosettes

Community Information:

Scientific Name:

Stratum:

Dominant:

Lifeform:

Composition Note:

Reference:

Citation:

Barrows, James. 2001. Email of 23 February to Sandy Birnbaum, Texas Parks and Wildlife Department, Texas Natural Diversity Database Manager, concerning observations for Hymenoxys texana at the Addicks and Barker reservoirs.

Barrows, James. 1996. Maps and directions, sent to Bill Carr on 31 July 1996, for population sites of Hymenoxys texana for survey years from 1987 through 1996 at the Addicks and Barker reservoirs.

BARROWS, J. 1994. U.S. ARMY CORPS OF ENGINEERS 1994 HYMENOXYS TEXANA SURVEY, ADDICKS RESERVOIR TEXAS NATIONAL GUARD LEASE. ENVIRONMENTAL RESOURCES BRANCH, U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT.

UNPUBLISHED MAP. U.S. CORPS OF ENGINEERS, GALVESTON DISTRICT. 1988. HYMENOXYS TEXANA LOCATIONS FROM 1988 SURVEY OF ADDICKS-BARKER RESERVOIRS BY VAN SHIPLEY.

Scientific Name:

Hymenoxys texana

Occurrence #:

29

E

Eo ld:

12480

Common Name:

Texas prairie dawn

<u>Track Status:</u> Track all extant and selected historical EOs

Identification Confirmed:

Y - Yes

1.00

TX Protection Status:

Global Rank:

G2

State Rank:

S2

Federal Status:

LE

Location Information:

Directions

CA 0.2 MILES WEST OF ADDICKS - FAIRBANKS ROAD (N. ELDRIDGE PARKWAY), CA 0.4 MILES NORTH OF CLAY ROAD IN ADDICKS RESERVOIR.

Survey Information:

First Observation:

Survey Date:

1988

Last Observation:

1988

Eo Type:

Eo Rank:

Eo Rank Date:

Comments:

Observed Area:

General

Description:

Comments:

Protection Comments:

Management

Comments:

Data:

EO Data:

SITE NEEDS SURVEY. MR. VAN SHIPLEY OF THE GALVESTON CORPS OF ENGINEERS SENT TOPO-MAP

PLOTTED LOCATIONS (NO OTHER DATA) BASED ON HIS 1988 SURVEY OF ADDICKS-BARKER

RESERVOIRS.

Community Information:

Scientific Name:

Stratum:

Dominant:

Lifeform:

Composition Note:

Reference:

Citation:

UNPUBLISHED MAP. U.S. CORPS OF ENGINEERS, GALVESTON DISTRICT. 1988. HYMENOXYS TEXANA LOCATIONS FROM 1988 SURVEY OF ADDICKS-BARKER RESERVOIRS BY VAN SHIPLEY.

Element Occurrence Record 6199 Scientific Name: Hymenoxys texana Occurrence #: 30 Eo Id: Common Name: Texas prairie dawn Track Status: Track all extant and selected historical EOs **Identification Confirmed:** Y - Yes **TX Protection Status:** E Global Rank: G2 S2 Federal Status: LE State Rank: **Location Information: Directions** JUST WEST OF ADDICKS - FAIRBANKS (NORTH ELDRIDGE PARKWAY), CA 0.3 MILES NORTH OF CLAY ROAD IN ADDICKS RESERVOIR **Survey Information:** First Observation: 1988 **Survey Date:** 1988 Last Observation: 2000-SPRG Eo Type: Eo Rank: Eo Rank Date: **Observed Area:** Comments: General **Description:** Comments: BARROWS 1996, 2001 AHT #'S 015, 016 Protection Comments: <u>Management</u> Comments: Data: EO Data: In 1988, site needs survey; Mr. Van Shipley of the Galveston Corps of Engineers sent topo-map plotted locations (no other data) based on his 1988 survey of Addicks-Barker reservoirs; 1993, >500 healthy plants with quarter size rosettes; 1994, 5500-6000 healthy plants with nickel to quarter size rosettes; 1995, 4000-5000 healthy plants with nickel to half dollar size rosettes; 1996, 1250 plants (northern portion of population scattered) with nickel to half dollar size rosettes; 1997, 900-950 healthy plants with nickel to silver dollar size rosettes; 1998, 3300 plants

with nickel to half dollar size rosettes (majority of rosettes nickel size); 1999, ca. 1400 plants with nickel to quarter

size rosettes: 2000, 900 plants with dime to nickel size rosettes (most were dead)

Community Information:

Scientific Name:	Stratum:	Dominant:	Lifeform:	Composition Note:

Reference:

Citation:

Barrows, James. 2001. Email of 23 February to Sandy Birnbaum, Texas Parks and Wildlife Department, Texas Natural Diversity Database Manager, concerning observations for Hymenoxys texana at the Addicks and Barker reservoirs.

Barrows, James. 1996. Maps and directions, sent to Bill Carr on 31 July 1996, for population sites of Hymenoxys texana for survey years from 1987 through 1996 at the Addicks and Barker reservoirs.

UNPUBLISHED MAP. U.S. CORPS OF ENGINEERS, GALVESTON DISTRICT. 1988. HYMENOXYS TEXANA LOCATIONS FROM 1988 SURVEY OF ADDICKS-BARKER RESERVOIRS BY VAN SHIPLEY.

Scientific Name: Hymenoxys Common Name: Texas prairie Identification Confirmed: Global Rank: G2 Location Information: Directions BEAR CREEK PARK, ADDICKS	e dawn Y - Yes <u>State Rank:</u> S2		Occurrer Track Str TX Prote Federal S	ntus: Track	Е	Eo ld:	
Survey Information:							
First Observation: Eo Type: Observed Area:	<u>Survey Date:</u> <u>Eo Rank:</u>	i		Last Obser Eo Rank Da		1993	
Comments: General Description: Comments: Protection Comments: Management Comments:							
Data: EO Data:							
Community Information:							
Scientific Name:	Stratum: [Dominant:	Lifeform:	Compositi	ion Note:		
Reference: Citation: ERFLING, E. 1993. FAX SHEE Specimen:	TS WITH LOCATIONS OF	HYMENO	XYS TEXAN	A. USFWS, C	LEAR LAKE	Ξ.	

Scientific Name:

Hymenoxys texana

Occurrence #:

34

686

Eo Id:

Common Name: To

Texas prairie dawn

Track Status:

Track all extant and selected historical EOs

Identification Confirmed:

Y - Yes

TX Protection Status:

tatus: E

Global Rank:

G2

State Rank:

S2

Federal Status:

LE

Location Information:

Directions

ADDICKS RESERVOIR, WEST SIDE OF ADDICKS-FAIRBANKS ROAD CA. 2800 FEET SOUTH OF CLAY ROAD

Survey Information:

First Observation:

1993

Survey Date:

Last Observation:

2000-SPRG

Eo Type:

Eo Rank:

Eo Rank Date:

Observed Area:

Comments:

General

1993 AND 1994, AREA OVERGROWN

Description:

Comments:

BARROWS 1996, 2001 AHT #012

Protection Comments:

Management

Comments:

Data:

EO Data:

1993, <25 plants with nickel size rosettes; 1994, 1 plant with quarter size rosette; 1995 and 1997, no plants observed; 1996, 60 plants with dime to quarter size rosettes; 1998, 75 plants with nickel size rosettes; 1999, 150 plants with dime to nickel size rosettes; 2000, 150 plants with nickel to half dollar size rosettes

Community Information:

Scientific Name:

Stratum:

Dominant:

Lifeform:

Composition Note:

Reference:

Citation:

Barrows, James. 2001. Email of 23 February to Sandy Birnbaum, Texas Parks and Wildlife Department, Texas Natural Diversity Database Manager, concerning observations for Hymenoxys texana at the Addicks and Barker reservoirs.

Barrows, James. 1996. Maps and directions, sent to Bill Carr on 31 July 1996, for population sites of Hymenoxys texana for survey years from 1987 through 1996 at the Addicks and Barker reservoirs.

ERFLING, E. 1993. FAX SHEETS WITH LOCATIONS OF HYMENOXYS TEXANA. USFWS, CLEAR LAKE.

Specimen:			•	•		

Scientific Name:

Hymenoxys texana

Occurrence #:

35

E

Eo ld: 5563

Common Name:

Texas prairie dawn

Track Status:

Track all extant and selected historical EOs

Identification Confirmed:

Y - Yes

TX Protection Status:

Global Rank:

G2

State Rank:

S2

Federal Status:

LE

Location Information:

Directions

ADDICKS RESERVOIR, BOTH SIDES OF CLAY ROAD 1700 FEET EAST OF ADDICKS-FAIRBANKS ROAD

Survey Information:

First Observation:

1993

Survey Date:

Last Observation:

2000-SPRG

Eo Type:

Eo Rank:

Eo Rank Date:

Observed Area:

Comments:

<u>General</u>

1993-2000, AREA OVERGROWN (BOTH SIDES OF ROAD)

Description:

Comments:

BARROWS 1996, 2001 AHT #'S 003, 005; AHT #003, SOUTH SIDE OF CLAY ROAD; AHT #005, NORTH SIDE

OF CLAY ROAD

Protection

Comments:

<u>Management</u>

Comments:

Data:

EO Data:

Population south of road: 1993, >15 plants; 1994, 20-50 plants with dime size rosettes; 1995-2000, no plants observed; population north of road: 1993, 100 plants; 1994, 50 healthy plants with half dollar size rosettes; 1995, 50-75 healthy plants with nickel to half dollar size rosettes; 1996, 50 plants with nickel to quarter size rosettes; 1997, 30 scattered plants with nickel to half dollar size rosettes; 1998, 150 plants with dime to quarter size rosettes; 1999, 200 plants with nickel size rosettes; 2000, 275 plants with dime to quarter size rosettes

Community Information:

Scientific Name:

Stratum:

Dominant:

Lifeform:

Composition Note:

Reference:

Citation:

Barrows, James. 2001. Email of 23 February to Sandy Birnbaum, Texas Parks and Wildlife Department, Texas Natural Diversity Database Manager, concerning observations for Hymenoxys texana at the Addicks and Barker reservoirs.

Barrows, James. 1996. Maps and directions, sent to Bill Carr on 31 July 1996, for population sites of Hymenoxys texana for survey years from 1987 through 1996 at the Addicks and Barker reservoirs.

ERFLING, E. 1993. FAX SHEETS WITH LOCATIONS OF HYMENOXYS TEXANA. USFWS, CLEAR LAKE.

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Scientific Name:

Hymenoxys texana

Occurrence #:

36

E

Eo ld: 2420

Common Name:

Texas prairie dawn

Track Status:

Track all extant and selected historical EOs

Identification Confirmed:

Y - Yes

TX Protection Status:

Global Rank:

G2

State Rank:

S2

Federal Status:

LE

Location Information:

Directions

ADDICKS RESERVOIR, SOUTH OF CLAY ROAD 2500 FEET EAST OF ADDICKS-FAIRBANKS ROAD

Survey Information:

First Observation:

1993

Survey Date:

2000

Last Observation:

1995-SPRG

Eo Type:

Eo Rank:

Eo Rank Date:

Observed Area:

Comments:

<u>General</u>

1993-2000, AREA OVERGROWN

Description:

Comments:

BARROWS 1996, 2001 AHT #004; ERFLING 1993 POPULATION MAPPED NORTH OF CLAY ROAD,

BARROWS 1996, 2001 POPULATION MAPPED SOUTH OF CLAY ROAD; OCCURRENCE DATA IS FOR

POPULATION SOUTH OF ROAD

Protection

Comments:

<u>Management</u>

Comments:

Data:

EO Data:

1993, >50 plants with nickel to half dollar size rosettes; 1994, 7 plants with quarter size rosettes; 1995, 5 plants;

1996-2000, no plants observed

Community Information:

Scientific Name:

Stratum:

Dominant:

Lifeform:

Composition Note:

Reference:

Citation:

Barrows, James. 2001. Email of 23 February to Sandy Birnbaum, Texas Parks and Wildlife Department, Texas Natural Diversity Database Manager, concerning observations for Hymenoxys texana at the Addicks and Barker reservoirs.

Barrows, James. 1996. Maps and directions, sent to Bill Carr on 31 July 1996, for population sites of Hymenoxys texana for survey years from 1987 through 1996 at the Addicks and Barker reservoirs.

ERFLING, E. 1993. FAX SHEETS WITH LOCATIONS OF HYMENOXYS TEXANA. USFWS, CLEAR LAKE.

Specimen:	-			

	xys texana airie dawn Y - Yes <u>State Rank:</u> SZ	2		
Location Information: Directions ADDICKS RESERVOIR, SOU	JTH OF CLAY ROAD AN	ND EAST OF A	DDICKS-FAIF	IRBANKS ROAD
Survey Information:				
First Observation: Eo Type: Observed Area:	<u>Survey</u> <u>Eo Ranl</u>			Last Observation: 1993 <u>Eo Rank Date:</u>
Comments: General Description: Comments: Protection Comments: Management Comments:				
EO Data: Community Information				
Scientific Name:	Stratum:	Dominant:	Lifeform:	Composition Note:
Reference: <u>Citation:</u> ERFLING, E. 1993. FAX SHE Specimen:	EETS WITH LOCATIONS	S OF HYMENC	OXYS TEXAN	NA. USFWS, CLEAR LAKE.

Scientific Name:

Hymenoxys texana

Occurrence #:

38 **Eo ld**:

1702

Common Name:

Texas prairie dawn

Track Status: Tra

Track all extant and selected historical EOs

Identification Confirmed:

Y - Yes

TX Protection Status:

Е

Global Rank:

G2

State Rank:

Federal Status:

LE

Location Information:

Directions

ADDICKS RESERVOIR, CA. 450 FEET SOUTH OF CLAY ROAD AND CA. 4600 FEET EAST OF ADDICKS-FAIRBANKS ROAD

Survey Information:

First Observation:

1993

Survey Date:

S2

Last Observation:

1998

Eo Type:

Eo Rank:

Eo Rank Date:

Observed Area:

Comments:

<u>General</u>

1998, PORTION OF SITE IS WETLAND COVERED WITH BULRUSHES

Description:

Comments:

BARROWS 1996, 2001 AHT #'S 066, 070; THESE POPULATIONS ARE CA. 150 FEET APART; OCCURRENCE

DATA IS COMBINED; SITE COULD NOT BE LOCATED IN 2000

Protection

Comments:

<u>Management</u>

Comments:

Data:

EO Data:

1996, 110 total plants with nickel to quarter size rosettes; 1998, 25 plants with dime to quarter size rosettes

Community Information:

Scientific Name:

Stratum:

Dominant:

Lifeform:

Composition Note:

Reference:

Citation:

Barrows, James. 2001. Email of 23 February to Sandy Birnbaum, Texas Parks and Wildlife Department, Texas Natural Diversity Database Manager, concerning observations for Hymenoxys texana at the Addicks and Barker reservoirs.

Barrows, James. 1996. Maps and directions, sent to Bill Carr on 31 July 1996, for population sites of Hymenoxys texana for survey years from 1987 through 1996 at the Addicks and Barker reservoirs.

ERFLING, E. 1993. FAX SHEETS WITH LOCATIONS OF HYMENOXYS TEXANA. USFWS, CLEAR LAKE.

Specimen:			-	-	

Scientific Name:

Hymenoxys texana

Occurrence #:

57

Eo ld: 2082

Common Name:

Texas prairie dawn

Track Status: T

Track all extant and selected historical EOs

Identification Confirmed:

Y - Yes

TX Protection Status:

Global Rank:

G2

State Rank:

Federal Status:

LE

Location Information:

Directions

WEST AND EAST EDGE OF FAIRBANKS-WHITE OAK ROAD, 0.1-0.2 MILE NORTH OF WEST LITTLE YORK ROAD

Survey Information:

First Observation:

1998-04-29

Survey Date:

S2

1998-04-29

Last Observation:

1998-04-29

Eo Type:

Eo Rank:

Eo Rank Date:

Comments:

Observed Area:

<u>General</u>

Description:

Comments:

<u>Protection</u>

Comments:

Management Comments:

<u>Data:</u>

EO Data:

Majority of plants are located in east right-of-way of fairbanks-white oak road, with a few plants also occurring on other side of fence; plants on west side of road had recently died, but were still identifiable; east roadside plants occur just south of pipeline right-of-way, west roadside plants occur north of pipeline right-of-way

Community Information:

Scientific Name:

Stratum:

Dominant:

Lifeform:

Composition Note:

Reference:

Citation:

BROWN, L.E. 1998. LETTER TO EDITH ERFLING OF USFWS, CLEAR LAKE OFFICE. 3 MAY 1998.

ERFLING, EDITH. 2000. LETTER TO DORINDA SCOTT OF TPWD FROM EDITH ERFLING, USFWS, CLEAR LAKE OFFICE. 8 FEBRUARY 2000.

Specimen:	

Scientific Name:

Hymenoxys texana

Occurrence #:

59 **Eo ld**:

5168

Common Name:

Texas prairie dawn

Track Status: Track

Track all extant and selected historical EOs

Identification Confirmed:

Y - Yes

TX Protection Status:

Global Rank:

G2

State Rank:

Federal Status:

LE

Ε

Location Information:

Directions

CA. 1.3 AIR MILES NORTHEAST OF INTERSECTION OF CLAY ROAD AND ADDICKS FAIRBANKS ROAD (ELDRIDGE PARKWAY), CA. 1400 FEET WEST OF ADDICKS DAM IN ADDICKS FLOOD CONTROL RESERVOIR

Survey Information:

First Observation:

1993

Survey Date:

S2

Last Observation:

2000

Eo Type:

Eo Rank:

Eo Rank Date:

Observed Area:

Comments:

General

Description:

Comments:

BARROWS 1996 SOURCE CONTAINS MAPS AND DIRECTIONS, BARROWS 2001 SOURCE CONTAINS OCCURRENCE DATA, AHT #063-065; 1996 DROUGHT YEAR (MAJORITY OF PLANTS UNDERSIZED AND

DRIED UP)

Protection

Comments:

Management

Comments:

Data:

EO Data:

1993, >1000 healthy plants; 1994-1995, no data; 1996, ca. 110 plants, ca. Nickel to half dollar size rosettes; 1997, no data; 1998, ca. 70 plants, nickel to half dollar size rosettes; 1999, no data, 2000, ca. 415 scattered plants with

dime to half dollar size rosettes, 2 in bloom

Community Information:

Scientific Name:

Stratum:

Dominant:

Lifeform:

Composition Note:

Reference:

Citation:

Barrows, James. 2001. Email of 23 February to Sandy Birnbaum, Texas Parks and Wildlife Department, Texas Natural Diversity Database Manager, concerning observations for Hymenoxys texana at the Addicks and Barker reservoirs.

Barrows, James. 1996. Maps and directions, sent to Bill Carr on 31 July 1996, for population sites of Hymenoxys texana for survey years from 1987 through 1996 at the Addicks and Barker reservoirs.

Scientific Name: Hymenoxys texana Occurrence #: 60 Eo ld: 5167

Common Name: Texas prairie dawn Track Status: Track all extant and selected historical EOs

<u>Identification Confirmed:</u> Y - Yes <u>TX Protection Status:</u> E

Global Rank: G2 State Rank: S2 Federal Status: LE

Location Information:

Directions

ADDICKS RESERVOIR, CA. 500 FEET NORTH OF CLAY ROAD AND CA. 800 FEET EAST OF ADDICKS-FAIRBANKS ROAD (ELDRIDGE ROAD)

Survey Information:

First Observation: 1994-SPRG Survey Date: Last Observation: 2000-SPRG

Eo Type: Eo Rank: Eo Rank Date:

Observed Area:

Comments:

General 2000, GOOD HABITAT, NOT OVERGROWN

Description:

Comments: BARROWS SOURCES 1996, 2001 AHT #'S 046-049, EODATA IS COMBINED FROM ALL FOUR

POPULATIONS

<u>Protection</u>

Comments:

<u>Management</u>

Comments:

Data:

EO Data: 1994, 250-350 plants with nickel to half dollar size rosettes; 1995, no data; 1996, ca. 615 plants with dime to half

dollar size rosettes; 1997, 535-590 plants with dime to quarter size rosettes (some plants looked "chewed up"); 1998, 172 plants with nickel to quarter size rosettes, few plants in bloom; 1999, 565 plants with dime to quarter

size rosettes; 2000, 151 plants (too late in season)

Community Information:

Scientific Name: Stratum: Dominant: Lifeform: Composition Note:

Reference:

Citation:

Barrows, James. 2001. Email of 23 February to Sandy Birnbaum, Texas Parks and Wildlife Department, Texas Natural Diversity Database Manager, concerning observations for Hymenoxys texana at the Addicks and Barker reservoirs.

Barrows, James. 1996. Maps and directions, sent to Bill Carr on 31 July 1996, for population sites of Hymenoxys texana for survey years from 1987 through 1996 at the Addicks and Barker reservoirs.

Specimen:	-		•

Scientific Name: Liatris bra Common Name: coastal gas Identification Confirmed: Global Rank: G2G3			Occurrence Track State TX Protece Federal St	us: Track all extant	Eo ld: 4891 and selected historical EOs			
Location Information: Directions "ALONG GESSNER ROAD BE	ETWEEN CLAY AND TANN	NER ROADS	S AT NORTHW	EST EDGE OF HOU	STON"			
Survey Information:								
First Observation:	Survey Dat	te:		Last Observation: 1985-10-10				
Eo Type:	Eo Rank:			Eo Rank Date:				
Observed Area:								
Description: Comments: Protection Comments: Management Comments:	IL" OF COASTAL PRAIRIE	GRASSLAI	ND					
Data: EO Data: "MANY STEM	MS COMING FROM A LAR	GE UNDER	GROUND CO	RM": SPECIMEN IN F	-I OWER			
Scientific Name:	Stratum:	Dominant:	<u>Lifeform:</u>	Composition Note:				
Reference: Citation:								
Specimen:								
TEXAS A & M UNIVERSITY, 1985.	TRACY HERBARIUM. 198:	5. L.E. BROV	WN #9516, SPE	CIMEN # 179279 TAE	S. 10 OCTOBER			

Scientific Name:

Liatris bracteata

Occurrence #:

18

4194 Eo ld:

Common Name:

coastal gay-feather

Track Status: Track all extant and selected historical EOs

Identification Confirmed:

Y - Yes

TX Protection Status:

Global Rank:

G2G3

State Rank:

S2S3

Federal Status:

Location Information:

Directions

ADDICKS TRAINING AREA (TEXAS NATIONAL GUARD); CA. 50-2000 FEET NORTH OF CLAY ROAD, 1.5-1.9 ROAD MILES EAST OF STATE ROUTE 6, EAST OF LANGHAM CREEK, WITHIN ADDICKS RESERVOIR

Survey Information:

First Observation:

Survey Date:

1994-09-26

Last Observation:

1994-09-27

Eo Type:

Eo Rank:

Eo Rank Date:

Observed Area:

Comments:

General Description: MOST COMMONLY SEEN ALONG MARGIN OF SMALL BUT CONSPICUOUS, DISCRETE "BARE" (SPARSELY VEGETATED) AREAS WITHIN LARGER INTERCONNECTED GRASSLAND OPENINGS RIMMED BY WATER OAK-YAUPON WOODLANDS; GRASSLANDS WITH DENSE COVER OF SPARTINA SPARTINAE. MUHLENBERGIA CAPILLARIS, IVA ANGUSTIFOLIA, IVA ANNUA, ETC.; "BARE AREAS" WITH SOMEWHAT SALINE, FINE-TEXTURED SOILS THAT IN THIS SEASON ARE ROCK-HARD ON SURFACE AND CONSIDERABLY DRIER THAN ADJACENT SOILS; UNLIKE OTHER RARE PLANT SPECIES IN THESE BARE AREAS (e.g., HYMENOXYS TEXANA, MACHAERANTHERA AUREA, AND THUROVIA TRIFLORA), LIATRIS BRACTEATA ALSO RANGES OUT INTO THE ADJACENT, MORE NON-DESCRIPT GRASSLAND OR IVA-LAND; IN WETTER PARTS OF THAT COMMUNITY IT IS REPLACED BY LIATRIS ACIDOTA

Comments:

GEOLOGY IS LISSIE FORMATION CONSISTING OF CLAY, SILT, SAND, AND MINOR AMOUNTS OF GRAVEL; PORTIONS OF SURFACE ARE DOTTED WITH ROUNDED SHALLOW DEPRESSIONS AND SLIGHTLY ELEVATED PIMPLE MOUNDS, HOWEVER, PIMPLE MOUNDS ARE NOT VERY CONSPICUOUS HERE; SOIL ANALYSIS AT ONE SITE REVEALED A HIGH CONCENTRATION OF SALTS IN THE LIGHT SANDY SOIL OF THE BARE SPOTS AND LOWER LEVELS OF THE SAME SALTS IN DARKER SOILS FROM WHICH HYMENOXYS TEXANA WAS ABSENT, PRESUMABLE THESE NARTA SOILS ARE THE SOILS FOUND ON LOWER SLOPING PORTIONS OF MIMA OR PIMPLE MOUNDS AMOUNTS OF GRAVEL; SOIL ANALYSIS AT ONE SITE REVEALED A HIGH CONCENTRATION OF SALTS IN THE LIGHT SANDY SOIL OF THE BARE SPOTS AND LOWER LEVELS OF THE SAME SALTS IN DARKER SOILS FROM WHICH HYMENOXYS TEXANA WAS ABSENT, PRESUMABLE THESE NARTA SOILS ARE THE SOILS FOUND ON LOWER SLOPING PORTIONS OF MIMA OR PIMPLE MOUNDS

Protection Comments:

Management Comments:

Data:

EO Data:

WITH HYMENOXYS TEXANA, MACHAERANTHERA AUREA, AND THUROVIA TRIFLORA; PLANTS FREQUENT, BUT NOT COMMON; SEEN WITH HYMENOXYS TEXANA AND AT SCATTERED POINTS OUTSIDE OF HYMENOXYS TEXANA HABITAT; IN FLOWER ON 26-27 SEPTEMBER 1994; ASSOCIATES INCLUDE (IN BARE AREAS) GOSSYPIANTHUS LANUGINOSUS, MACHAERANTHERA AUREA, OPUNTIA SP., PARTULACA PILOSA, SIDA CILIARIS, SPOROBOLUS PYRAMIDATUS, TALINUM PARVIFLORUM, THUROVIA TRIFLORA, AND (MOSTLY ALONG MARGINS) HELENIUM AMARUM VAR. AMARUM, IVA ANNUA, IVA ANGUSTIFOLIA

Community Information:

Scientific Name:	Stratum:	Dominant:	Lifeform:	Composition Note:

Reference:

Citation:

BARROWS, J. 1994. U.S. ARMY CORPS OF ENGINEERS 1994 HYMENOXYS TEXANA SURVEY, ADDICKS RESERVOIR TEXAS NATIONAL GUARD LEASE. ENVIRONMENTAL RESOURCES BRANCH, U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT.

CARR, W.R. 1994. FIELD SURVEY TO BARKER DAM DROP ZONE (TEXAS NATIONAL GUARD) OF 27 SEPTEMBER 1994.

6508 23 Eo ld: Scientific Name: Liatris bracteata Occurrence #: Track Status: Track all extant and selected historical EOs Common Name: coastal gay-feather **Identification Confirmed: TX Protection Status:** Global Rank: G2G3 **S2S3** Federal Status: State Rank: **Location Information: Directions** WEST HOUSTON, CORNER OF SOMMERMEYER AND WINDFERN, BETWEEN ROAD AND RAILROAD TRACKS IN UNMOWED HERBACEOUS AREA IN FULL SUN **Survey Information:** 1978-10-08 First Observation: 1978 Last Observation: **Survey Date:** Eo Rank Date: Eo Type: Eo Rank: **Observed Area: Comments:** HABITAT NOT DESCRIBED IN DETAIL ON SPECIMEN LABEL **General** Description: **Comments: Protection** Comments: **Management** Comments: Data: EO Data: **Community Information:** Scientific Name: Stratum: **Dominant:** Lifeform: **Composition Note:** Reference: Citation:

Specimen:

Robert A. Vines Environmental Science Center Herbarium (Spring Branch Science Center), Houston. 1978. C.D. Peterson #166, 186, Specimen # none SBSC. 8 October 1978.

Scientific Name:

Lithobates areolatus areolatus

Occurrence #:

3 **Eo ld:**

1329

Common Name:

southern crawfish frog

<u>Track Status:</u> Track all extant and selected historical EOs

Identification Confirmed:

Y - Yes

TX Protection Status:

Global Rank:

G4T4

State Rank:

Federal Status:

Location Information:

Directions

12 miles NW of Houston. These directions are generalized as this EO consists of multiple source features.

S3

Survey Information:

First Observation:

1952-02-01

Survey Date:

Н

1952-02-01

Last Observation:

1952-02-01

Eo Type:

Eo Rank:

Eo Rank Date:

1952-02-01

Observed Area:

Comments:

General

Description:

Comments:

Protection

Comments:

Management Comments:

Data:

EO Data:

1952: A specimen was collected. 1 Feb 1952: Five specimens were collected.

Community Information:

Scientific Name:

Stratum:

Dominant:

Lifeform:

Composition Note:

Reference:

Citation:

Hibbitts, Toby, and Daniel Saenz. 2013. Report for TPWD; Status and breeding biology of the crawfish frog (Lithobates areolatus). Received 1 November 2013. 13 pp.

Biodiversity Research and Teaching Collections, Texas A&M University, College Station, TX; Cooper, E. H. (#EHC121), Catalog # 9067, 1 Feb 1952, BRTC.

Biodiversity Research and Teaching Collections, Texas A&M University, College Station, TX; Cooper, E. H. (#EHC64), Catalog # 9066, 1 Feb 1952, BRTC.

Biodiversity Research and Teaching Collections, Texas A&M University, College Station, TX; Cooper, E. H. (#EHC65), Catalog # 9068, 1 Feb 1952, BRTC.

Biodiversity Research and Teaching Collections, Texas A&M University, College Station, TX; Grelen, T. D. (#TDG112), Catalog # 9069, 1 Feb 1952, BRTC.

Biodiversity Research and Teaching Collections, Texas A&M University, College Station, TX; Grelen, T. D. (#TDG113), Catalog # 9070, 1 Feb 1952, BRTC.

Museum of Zoology, University of Michigan, Ann Arbor, MI; Jesse Haver (#unknown), Catalog # 105233, 1952, UMMZ.

Scientific Name:

Rayjacksonia aurea

Occurrence #:

18 Eo Id: 3071

Common Name:

Houston daisy

Track Status:

Track all extant and selected historical EOs

Identification Confirmed:

TX Protection Status:

Global Rank:

G2

State Rank:

Y - Yes

S1

Federal Status:

Location Information:

Directions

1.3 MILES SOUTH OF HWY 290 (IN NORTHWEST HOUSTON) ON GESSNER ROAD;0.5 MILE WEST ON TANNER ROAD; 0.2 MILE SOUTH ON CLARA TO HOUSTON COMMUNITY COLLEGE; IN FIELD BEHIND (EAST OF) BLDGS.

В

Survey Information:

First Observation:

1985-10-23

Survey Date:

1985-10-23

Last Observation:

1999-11

Eo Type:

Eo Rank:

Eo Rank Date:

1985-10-23

Observed Area:

10.00

Comments:

<u>General</u> **Description:** LEVEL, WET, GRASSY FIELD; SEASONALLY INUNDATED (WET AT THE SURVEY DATE); SANDY SOIL WITH CLAY POCKETS; FORMER FOOTBALL STADIUM AND FIELD; IN 1997, IN ONE "OPEN" PATCH WITH

LOTS OF HELENIUM INTERSPERSED

Comments:

SAMPLING METHODS - A 0.5 X 0.5 METER QUADRAT SUBDIVIDED INTO 0.01 SQUARE METER CELLS WAS USED TO DETERMINE AN INDEX CANOPY COVER BASED UPON TOTAL NUMBER OF 0.01 SQUARE

METER CELLS OCCUPIED

Protection

Comments:

Management

MOWED TWICE PER YEAR

Comments:

Data:

EO Data:

IN 1985, IN FLOWER; APPROXIMATELY 200 MATURE, HEALTHY INDIVIDUALS; IN VERY SLIGHT

DEPRESSIONS; IN 1997, IN ONE "OPEN" PATCH; IN 1998, 2000-2002 SITE NOT SURVEYED; IN NOVEMBER

1999, 2.25 SQUARE METERS SURVEYED WITH 7 OCCUPIED QUADRATS WITH 59 OCCUPIED CELLS

Community Information:

Scientific Name:

Stratum:

Dominant:

Lifeform:

Composition Note:

Reference:

Citation:

POOLE, J. M. 1985. FIELD SURVEY TO HOUSTON COMMUNITY COLLEGE OF OCTOBER 23, 1985.

BROWN, LARRY E. HOUSTON COMMUNITY COLLEGE (PROFESSOR). 726 HORNCASTLE, CHANNELVIEW, TEXAS. 77530. (H) 713/452-1105

LINAM, LEE ANN. NO DATE. WILDLIFE DIVERSITY BRANCH, TEXAS PARKS AND WILDLIFE DEPARTMENT, 200 HOOTS HOLLER, WIMBERLEY, TX 78676; PHONE (512) 847-9480; leeann.linam@tpwd.state.tx.us

Linam, L. A. 2002. Final Report. Project WER 09(72): Implementation of candidate species monitoring. Grant No. E-9 Endangered and Threatened Species Conservation. Submitted to Texas Parks and Wildlife Department, Austin, TX. 1 November 2002.

Specimen:

Scientific Name: Rayjacksonia aurea Occurrence #: 22 Eo ld: 8222

Common Name: Houston daisy Track Status: Track all extant and selected historical EOs

<u>Identification Confirmed:</u> Y - Yes <u>TX Protection Status:</u>

Global Rank: G2 State Rank: S1 Federal Status:

Location Information:

Directions

CA. 50-2000 FEET NORTH OF CLAY ROAD, 1.5-1.9 ROAD MILES EAST OF STATE ROUTE 6, EAST OF LANGHAM CREEK, WITHIN ADDICKS RESERVOIR, ADDICKS TRAINING AREA (TEXAS NATIONAL GUARD)

Survey Information:

First Observation: 1994-09-27 Survey Date: 1994-09-26 Last Observation: 2001

Eo Type: Eo Rank: Eo Rank Date:

Observed Area:

Comments:

General Description:

SEVERAL SMALL BUT CONSPICUOUS, DISCRETE "BARE" (SPARSELY VEGETATED) AREAS WITHIN LARGER INTERCONNECTED GRASSLAND OPENINGS RIMMED BY WATER OAK-YAUPON WOODLANDS; GRASSLANDS WITH DENSE COVER OF SPARTINA SPARTINAE, MUHLENBERGIA CAPILLARIS, IVA ANGUSTIFOLIA, IVA ANNUA, ETC.; "BARE AREAS" WITH SOMEWHAT SALINE, FINE-TEXTURED SOILS THAT IN THIS SEASON ARE ROCK-HARD ON SURFACE AND CONSIDERABLY DRIER THAN ADJACENT SOILS

Comments:

THIS PORTION OF ADDICKS RESERVOIR IS NOT CURRENTLY GRAZED (SEPTEMBER 1994); GEOLOGY IS LISSIE FORMATION CONSISTING OF CLAY, SILT, SAND, AND MINOR AMOUNTS OF GRAVEL; PORTIONS OF SURFACE ARE DOTTED WITH ROUNDED SHALLOW DEPRESSIONS AND SLIGHTLY ELEVATED PIMPLE MOUNDS, HOWEVER, PIMPLE MOUNDS ARE NOT VERY CONSPICUOUS HERE; SOIL ANALYSIS AT ONE SITE REVEALED A HIGH CONCENTRATION OF SALTS IN THE LIGHT SANDY SOIL OF THE BARE SPOTS AND LOWER LEVELS OF THE SAME SALTS IN DARKER SOILS FROM WHICH HYMENOXYS TEXANA WAS ABSENT, PRESUMABLE THESE NARTA SOILS ARE THE SOILS FOUND ON LOWER SLOPING PORTIONS OF MIMA OR PIMPLE MOUNDS AMOUNTS OF GRAVEL; SOIL ANALYSIS AT ONE SITE REVEALED A HIGH CONCENTRATION OF SALTS IN THE LIGHT SANDY SOIL OF THE BARE SPOTS AND LOWER LEVELS OF THE SAME SALTS IN DARKER SOILS FROM WHICH HYMENOXYS TEXANA WAS ABSENT, PRESUMABLE THESE NARTA SOILS ARE THE SOILS FOUND ON LOWER SLOPING PORTIONS OF MIMA OR PIMPLE MOUNDS; QUANTITATIVE SAMPLING METHODS ENTAIL USING A 0.5 X 0.5 METER QUADRAT SUBDIVIDED INTO 0.01 SQUARE METER CELLS, AN INDEX OF CANOPY COVER IS DETERMINED BASED ON TOTAL NUMBER OF 0.01 SQUARE METER CELLS OCCUPIED

Protection Comments:

Management Comments:

Data:

EO Data:

IN 1994, WITH HYMENOXYS TEXANA, LIATRIS BRACTEATA, AND THUROVIA TRIFLORA; CA. 300 PLANTS ASSOCIATED WITH HYMENOXYS TEXANA AND CA. 20 PLANTS IN SMALL OPENING NOT KNOWN TO SUPPORT HYMENOXYS TEXANA; JUST BEGINNING TO FLOWER ON 26-27 SEPTEMBER 1994; ASSOCIATES INCLUDE (IN BARE AREAS) GOSSYPIANTHUS LANUGINOSUS, OPUNTIA SP., PORTULACA PILOSA, SIDA CILIARIS, SPOROBOLUS PYRAMIDATUS, TALINUM PARVIFLORUM, THUROVIA TRIFLORA, AND (MOSTLY ALONG MARGINS) HELENIUM AMARUM VAR. AMARUM, IVA ANNUA, IVA ANGUSTIFOLIA, LIATRIS BRACTEATA; IN 1997 SITE NOT SURVEYED; IN 1998, 10 NOVEMBER 1999, AND 2001 PRESENCE CONFIRMED; 3 NOVEMBER 2000, 129.5 SQUARE METERS SURVEYED WITH 234 OCCUPIED QUADRATS WITH 2533 OCCUPIED CELLS; IN 2002 ACCESS TO ADDICKS RESERVOIR WAS NOT ALLOWED DUE TO HOUSTON AREA RECEIVING 12 INCHES OF RAIN

Community Information:

Scientific Name:	Stratum:	Dominant:	Lifeform:	Composition Note:

Reference:

Citation:

Linam, L. A. 2002. Final Report. Project WER 09(72): Implementation of candidate species monitoring. Grant No. E-9 Endangered and Threatened Species Conservation. Submitted to Texas Parks and Wildlife Department, Austin, TX. 1 November 2002.

BARROWS, J. 1994. U.S. ARMY CORPS OF ENGINEERS 1994 HYMENOXYS TEXANA SURVEY, ADDICKS RESERVOIR TEXAS NATIONAL GUARD LEASE. ENVIRONMENTAL RESOURCES BRANCH, U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT.

CARR, W.R. 1994. FIELD SURVEY TO BARKER DAM DROP ZONE (TEXAS NATIONAL GUARD) OF 27 SEPTEMBER 1994.

Specimen:

UNIVERSITY OF TEXAS HERBARIUM. 1994. W.R. CARR #14192.

Scientific Name: Rayjacksonia aurea

Occurrence #:

23

2226

Common Name:

Houston daisy

Track Status:

Track all extant and selected historical EOs

Eo ld:

Identification Confirmed:

Y - Yes

TX Protection Status:

Global Rank:

G2

State Rank:

S1

Federal Status:

Location Information:

Directions

ADDICKS RESERVOIR, CA. 500-1000 FEET NORTH OF CLAY ROAD, 1.9-2.0 ROAD MILES EAST OF STATE ROUTE 6, EAST OF LANGHAM CREEK

Survey Information:

First Observation:

1994-09-27

Survey Date:

1994-09-27

Last Observation:

2001

Eo Type:

Eo Rank:

Eo Rank Date:

Observed Area:

Comments:

General Description:

IN AND ALONG MARGIN OF "BARE" (SPARSELY VEGETATED) AREAS IN COASTAL PRAIRIE GRASSLAND PROBABLY DOMINATED BY SPARTINA SPARTINAE, MUHLENBERGIA CAPILLARIS, ETC., BUT FAIRLY HEAVILY GRAZED TO THE POINT THAT PASTURE WEEDS SUCH AS CROTON CAPITATUS, HELENIUM AMARUM VAR. AMARUM, IVA ANGUSTIFOLIA, AND IVA ANNUA ARE ABUNDANT; WOODY PLANT INVASION IS SIGNIFICANT; ILEX VOMITORIA IS RATHER COMMON; ONE LOCATION IS AT BASE OF A 2-FOOT-HIGH MIMA MOUND, ANOTHER IS A SLICK SPOT ON MORE LEVEL TERRAIN

Comments:

THIS PORTION OF ADDICKS RESERVOIR IS CURRENTLY (SEPT. 1994) GRAZED BY CATTLE; GEOLOGY IS LISSIE FORMATION CONSISTING OF CLAY, SILT, SAND, AND MINOR AMOUNTS OF GRAVEL; PORTIONS OF SURFACE ARE DOTTED WITH ROUNDED SHALLOW DEPRESSIONS AND SLIGHTLY ELEVATED PIMPLE MOUNDS, HOWEVER, PIMPLE MOUNDS ARE NOT VERY CONSPICUOUS HERE; SOIL ANALYSIS AT ONE SITE REVEALED A HIGH CONCENTRATION OF SALTS IN THE LIGHT SANDY SOIL OF THE BARE SPOTS AND LOWER LEVELS OF THE SAME SALTS IN DARKER SOILS FROM WHICH HYMENOXYS TEXANA WAS ABSENT, PRESUMABLE THESE NARTA SOILS ARE THE SOILS FOUND ON LOWER SLOPING PORTIONS OF MIMA OR PIMPLE MOUNDS AMOUNTS OF GRAVEL; SOIL ANALYSIS AT ONE SITE REVEALED A HIGH CONCENTRATION OF SALTS IN THE LIGHT SANDY SOIL OF THE BARE SPOTS AND LOWER LEVELS OF THE SAME SALTS IN DARKER SOILS FROM WHICH HYMENOXYS TEXANA WAS ABSENT, PRESUMABLE THESE NARTA SOILS ARE THE SOILS FOUND ON LOWER SLOPING PORTIONS OF MIMA OR PIMPLE MOUNDS; QUANTITATIVE SAMPLING METHODS ENTAIL USING A 0.5 X 0.5 METER QUADRAT SUBDIVIDED INTO 0.01 SQUARE METER CELLS, AN INDEX CANOPY COVER IS DETERMINED BASED ON TOTAL NUMBER OF 0.01 SQUARE METER CELLS OCCUPIED

Protection Comments:

Management Comments:

Data:

EO Data:

IN 1994, WITH HYMENOXYS TEXANA AND THUROVIA TRIFLORA; 50-100 PLANTS; ASSOCIATES INCLUDE (IN BARE AREAS) GOSSYPIANTHUS LANUGINOSUS, OPUNTIA SP., PORTULACA PILOSA, SIDA CILIARIS, SPOROBOLUS PYRAMIDATUS, TALINUM PARVIFLORUM, THUROVIA TRIFLORA, AND (MOSTLY ALONG MARGINS) HELENIUM AMARUM VAR. AMARUM, IVA ANNUA, IVA ANGUSTIFOLIA; IN 1997, SITE NOT SURVEYED; IN 1998 PRESENCE CONFIRMED; 10 NOVEMBER 1999, 17.75 SQUARE METERS SURVEYED WITH 40 OCCUPIED QUADRATS WITH 309 OCCUPIED CELLS; 21 OCTOBER 2000, 33 SQUARE METERS SURVEYED WITH 43 OCCUPIED QUADRATS WITH 124 OCCUPIED CELLS; IN 2001, PRESENCE CONFIRMED; IN 2002, ACCESS TO ADDICKS RESERVOIR WAS NOT ALLOWED DUE TO THE HOUSTON AREA RECEIVING 12 INCHES OF RAIN

Community Information:

Scientific Name:	Stratum:	Dominant:	<u>Lifeform:</u>	Composition Note:

Reference:

Citation:

Linam, L. A. 2002. Final Report. Project WER 09(72): Implementation of candidate species monitoring. Grant No. E-9 Endangered and Threatened Species Conservation. Submitted to Texas Parks and Wildlife Department, Austin, TX. 1 November 2002.

BARROWS, J. 1994. U.S. ARMY CORPS OF ENGINEERS 1994 HYMENOXYS TEXANA SURVEY, ADDICKS RESERVOIR TEXAS NATIONAL GUARD LEASE. ENVIRONMENTAL RESOURCES BRANCH, U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT.

CARR, W.R. 1994. FIELD SURVEY TO BARKER DAM DROP ZONE (TEXAS NATIONAL GUARD) OF 27 SEPTEMBER 1994.

Specimen:

Scientific Name:

Sporobolus tharpii

Occurrence #:

Eo ld:

10084

Common Name:

Tharp's dropseed

Track Status:

Track all extant and selected historical EOs

8

Identification Confirmed:

Y - Yes

TX Protection Status:

Global Rank:

G3

State Rank:

Federal Status:

Location Information:

Directions

Along Gessner Road ca. 100 yards N of intersection with Tanner Road at NW edge of Houston.

Survey Information:

First Observation:

Survey Date:

S3

Last Observation:

1986-09-27

Eo Type:

Eo Rank:

Eo Rank Date:

Observed Area:

Comments:

<u>General</u>

In a bare spot.

Description:

Comments:

Complete specimen citation: A single large plant with many flowering stems in a bare spot along Gessner Road ca. 100 yards N of intersection with Tanner Road at NW edge of Houston; unusual specimen in that the spikelets

are too small for tharpii and too large for wrightii; 27 Sep 1986, L. E. Brown 10706 (TEX-LL).

Protection

Comments:

<u>Management</u>

Comments:

Data:

EO Data:

1986-09-27: A single large plant with many flowering stems. On label, Brown noted: "unusual specimen in that the spikelets are too small for [S.] tharpii and too large for [S.] wrightii." Brown apparently eventually decided to call it

S. tharpii; the specimen was annotated as such by S. L. Hatch, July 1993.

Community Information:

Scientific Name:

Stratum:

Dominant:

Lifeform:

Composition Note:

Reference:

Citation:

Brown, L. E. (10706). 1986. Specimen # none TEX-LL.

Specimen:

Brown, L. E. (10706). 1986. Specimen # none TEX-LL. (S86BROTXTXUS)

1/22/2020

Scientific Name:

Thurovia triflora

Occurrence #:

16

Eo ld: 6498

Common Name:

threeflower broomweed

<u>Track Status:</u> Track all extant and selected historical EOs

Identification Confirmed:

Y - Yes

TX Protection Status:

Global Rank:

G2G3

State Rank:

S2S3

Federal Status:

Location Information:

Directions

ADDICKS TRAINING AREA (TEXAS NATIONAL GUARD); CA. 50-2000 FEET NORTH OF CLAY ROAD, 1.5-1.9 ROAD MILES EAST OF STATE ROUTE 6, EAST OF LANGHAM CREEK, WITHIN ADDICKS RESERVOIR

Survey Information:

First Observation:

Survey Date:

1994-09-26

Last Observation:

1994-09-27

Eo Type:

Eo Rank:

Eo Rank Date:

Observed Area:

Comments:

General Description: STRICTLY WITHIN SMALL BUT CONSPICUOUS, DISCRETE "BARE" (SPARSELY VEGETATED) AREAS WITHIN LARGER INTERCONNECTED GRASSLAND OPENINGS RIMMED BY WATER OAK-YAUPON WOODLANDS; GRASSLANDS WITH DENSE COVER OF SPARTINA SPARTINAE, MUHLENBERGIA CAPILLARIS, IVA ANGUSTIFOLIA, IVA ANNUA, ETC.; "BARE AREAS" WITH SOMEWHAT SALINE, FINE-TEXTURED SOILS THAT IN THIS SEASON ARE ROCK-HARD ON SURFACE AND CONSIDERABLY DRIER THAN ADJACENT SOILS

Comments:

GEOLOGY IS LISSIE FORMATION CONSISTING OF CLAY, SILT, SAND, AND MINOR AMOUNTS OF GRAVEL; PORTIONS OF SURFACE ARE DOTTED WITH ROUNDED SHALLOW DEPRESSIONS AND SLIGHTLY ELEVATED PIMPLE MOUNDS, HOWEVER, PIMPLE MOUNDS ARE NOT VERY CONSPICUOUS HERE; SOIL ANALYSIS AT ONE SITE REVEALED A HIGH CONCENTRATION OF SALTS IN THE LIGHT SANDY SOIL OF THE BARE SPOTS AND LOWER LEVELS OF THE SAME SALTS IN DARKER SOILS FROM WHICH HYMENOXYS TEXANA WAS ABSENT, PRESUMABLE THESE NARTA SOILS ARE THE SOILS FOUND ON LOWER SLOPING PORTIONS OF MIMA OR PIMPLE MOUNDS AMOUNTS OF GRAVEL; SOIL ANALYSIS AT ONE SITE REVEALED A HIGH CONCENTRATION OF SALTS IN THE LIGHT SANDY SOIL OF THE BARE SPOTS AND LOWER LEVELS OF THE SAME SALTS IN DARKER SOILS FROM WHICH HYMENOXYS TEXANA WAS ABSENT, PRESUMABLE THESE NARTA SOILS ARE THE SOILS FOUND ON LOWER SLOPING PORTIONS OF MIMA OR PIMPLE MOUNDS

Protection Comments:

Management Comments:

Data:

EO Data:

WITH HYMENOXYS TEXANA, LIATRIS BRACTEATA, AND MACHAERANTHERA AUREA; PLANTS FREQUENT, BUT ONLY IN BARE SPOTS; IN FLOWER ON 26-27 SEPTEMBER 1994; ASSOCIATES INCLUDE (IN BARE AREAS) GOSSYPIANTHUS LANUGINOSUS, MACHAERANTHERA AUREA, OPUNTIA SP., PORTULACA PILOSA, SIDA CILIARIS, SPOROBOLUS PYRAMIDATUS, TALINUM PARVIFLORUM, AND (MOSTLY ALONG MARGINS) HELENIUM AMARUM VAR. AMARUM, IVA ANNUA, IVA ANGUSTIFOLIA, LIATRIS BRACTEATA

Community Information:

Scientific Name:	Stratum:	Dominant:	<u>Lifeform:</u>	Composition Note:

Reference:

Citation:

BARROWS, J. 1994. U.S. ARMY CORPS OF ENGINEERS 1994 HYMENOXYS TEXANA SURVEY, ADDICKS RESERVOIR TEXAS NATIONAL GUARD LEASE. ENVIRONMENTAL RESOURCES BRANCH, U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT.

CARR, W.R. 1994. FIELD SURVEY TO BARKER DAM DROP ZONE (TEXAS NATIONAL GUARD) OF 27 SEPTEMBER 1994.

Specimen:

Scientific Name:

Thurovia triflora

Occurrence #:

17

Eo ld:

217

Common Name:

threeflower broomweed

Track Status:

Track all extant and selected historical EOs

Identification Confirmed:

Y - Yes

TX Protection Status:

Global Rank:

G2G3

State Rank:

S2S3

Federal Status:

Location Information:

Directions

ADDICKS RESERVOIR; CA. 500-1000 FEET NORTH OF CLAY ROAD, 1.9-2.0 ROAD MILES EAST OF STATE ROUTE 6, EAST OF LANGHAM CREEK

Survey Information:

First Observation:

Survey Date:

1994-09-27

Last Observation:

1994-09-27

Eo Type:

Eo Rank:

Eo Rank Date:

Observed Area:

Comments:

General Description:

STRICTLY WITHIN "BARE" (SPARSELY VEGETATED) AREAS IN COASTAL PRAIRIE GRASSLAND PROBABLY DOMINATED BY SPARTINA SPARTINAE, MUHLENBERGIA CAPILLARIS, ETC., BUT FAIRLY HEAVILY GRAZED TO THE POINT THAT PASTURE WEEDS SUCH AS CROTON CAPITATUS, HELENIUM AMARUM VAR. AMARUM, IVA ANGUSTIFOLIA, AND IVA ANNUA ARE ABUNDANT; WOODY PLANT INVASION IS SIGNIFICANT, ILEX VOMITORIA IS RATHER COMMON; ONE LOCATION AT BASE OF A 2-FOOT-HIGH MIMA MOUND, ANOTHER IS IN A SLICK SPOT ON MORE LEVEL TERRAIN

Comments:

SITE CURRENTLY (SEPT. 1994) GRAZED BY CATTLE; GEOLOGY IS LISSIE FORMATION CONSISTING OF CLAY, SILT, SAND, AND MINOR AMOUNTS OF GRAVEL; PORTIONS OF SURFACE ARE DOTTED WITH ROUNDED SHALLOW DEPRESSIONS AND SLIGHTLY ELEVATED PIMPLE MOUNDS, HOWEVER, PIMPLE MOUNDS ARE NOT VERY CONSPICUOUS HERE; SOIL ANALYSIS AT ONE SITE REVEALED A HIGH CONCENTRATION OF SALTS IN THE LIGHT SANDY SOIL OF THE BARE SPOTS AND LOWER LEVELS OF THE SAME SALTS IN DARKER SOILS FROM WHICH HYMENOXYS TEXANA WAS ABSENT, PRESUMABLE THESE NARTA SOILS ARE THE SOILS FOUND ON LOWER SLOPING PORTIONS OF MIMA OR PIMPLE MOUNDS AMOUNTS OF GRAVEL; SOIL ANALYSIS AT ONE SITE REVEALED A HIGH CONCENTRATION OF SALTS IN THE LIGHT SANDY SOIL OF THE BARE SPOTS AND LOWER LEVELS OF THE SAME SALTS IN DARKER SOILS FROM WHICH HYMENOXYS TEXANA WAS ABSENT, PRESUMABLE THESE NARTA SOILS ARE THE SOILS FOUND ON LOWER SLOPING PORTIONS OF MIMA OR PIMPLE MOUNDS

Protection Comments:

Management Comments:

Data:

EO Data:

WITH HYMENOXYS TEXANA AND MACHAERANTHERA AUREA; ASSOCIATES INCLUDE (IN BARE AREAS) GOSSYPIANTHUS LANUGINOSUS, MACHAERANTHERA AUREA, OPUNTIA SP., PORTULACA PILOSA, SIDA CILIARIS, SPOROBOLUS PYRAMIDATUS, TALINUM PARVIFLORUM, AND (MOSTLY ALONG MARGINS) HELENIUM AMARUM VAR. AMARUM, IVA ANNUA, IVA ANGUSTIFOLIA

Community Information:

Scientific Name:	Stratum:	Dominant:	Lifeform:	Composition Note:	
					_

Reference:

Citation:

BARROWS, J. 1994. U.S. ARMY CORPS OF ENGINEERS 1994 HYMENOXYS TEXANA SURVEY, ADDICKS RESERVOIR TEXAS NATIONAL GUARD LEASE. ENVIRONMENTAL RESOURCES BRANCH, U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT.

CARR, W.R. 1994. FIELD SURVEY TO BARKER DAM DROP ZONE (TEXAS NATIONAL GUARD) OF 27 SEPTEMBER 1994.

Specimen:

Appendix IIE-1D TPWD Correspondence



May 28, 2020

Life's better outside.

Commissioners

S. Reed Morian Chairman Houston

Arch "Beaver" Aplin, III Vice-Chairman Lake Jackson

> James E. Abell Kilgore

> > Oliver J. Bell Cleveland

Anna B. Galo Laredo

Jeffery D. Hildebrand Houston

Jeanne W. Latimer San Antonio

Robert L. "Bobby" Patton, Jr. Fort Worth

> Dick Scott Wimberley

Lee M. Bass Chairman-Emeritus Fort Worth

T. Dan Friedkin Chairman-Emeritus Houston

Carter P. Smith Executive Director Ms. Ashley Thompson Golder Associates, Inc. 14950 Heathrow Forest Parkway, Suite 280 Houston, Texas 77032

RE: Request for Review and Comment- Hawthorn Park Landfill Proposed Expansion; Houston, Harris County, Texas

Dear Ms. Thompson:

Texas Parks and Wildlife Department (TPWD) received the request for review of the proposed project referenced above for rare, threatened and endangered species.

Project Description

USA Waste is proposing expansion of the existing Hawthorn Park Landfill. The expansion includes increasing the permitted area for landfill development to approximately 211 acres by including additional adjacent properties and previously abandoned road rights-of-ways (ROWs). Approximately 96% of the proposed permit area has been previously developed as part of ongoing landfill operations, recycling areas, access roads, and drainage features. The expansion will also include completion of a detention basin located adjacent and east of the property. The detention pond will encompass approximately 45 acres and was approved by the City of Houston and Harris County Flood Control District in 1995. Construction of this detention pond has continued as part of ongoing landfill construction and operations.

TPWD, as the state agency with primary responsibility for protecting the state's fish and wildlife resources and in accordance with the authority granted by Parks and Wildlife Code §12.0011, hereby provides the following recommendations to minimize the adverse impacts to the state's fish and wildlife resources in the construction and operation of the proposed project. Please reference TPWD 43957 in any return correspondence on this project.

Construction Recommendations

General Construction Recommendations

Recommendation: TPWD recommends providing pre-construction training to all construction personnel for the identification and reporting of protected species, as well as describing the relevant rules and regulations that protect wildlife, including the penalties for harassing or harming protected species. This could include

Ms. Ashley Thompson Page 2 May 28, 2020

> preparing a leaflet to be used as a training refresher for construction personnel on the identification and reporting of protected species.

Federal Law: Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) prohibits direct and affirmative purposeful action that reduce migratory birds, their eggs, or their nests, by killing or capturing, to human control, except when specifically authorized by the Department of the Interior. This protection applies to most native bird species, including ground nesting species. The U.S. Fish and Wildlife Service (USFWS) Migratory Bird Office can be contacted at (505) 248-7882 for more information on potential impacts to migratory birds.

Recommendation: TPWD recommends any vegetation clearing be scheduled outside of the general bird nesting season of March 15th to September 15th; however, if clearing must occur during nesting season, nest surveys should be conducted prior to clearing. Nest surveys should be conducted no more than 5 days prior to construction in order to maximize detection of active nests. If nests are observed during surveys, a vegetation buffer area of no less than 150-feet in diameter should remain around the nest until all young have fledged.

Federal Law: Endangered Species Act

Federally-listed animal species and their habitat are protected from take on any property by the Endangered Species Act (ESA). Take of a federally-listed species can be allowed if it is incidental to an otherwise lawful activity and must be permitted in accordance with Section 7 or 10 of the ESA. Any take of a federally-listed species or its habitat without the required take permit (or allowance) from the USFWS is a violation of the ESA.

Recommendation: The USFWS should be contacted for species occurrence data, guidance, permitting, survey protocols, and mitigation for federally listed species.

Recommendation: If federally-listed species are encountered during construction, work should stop immediately. The USFWS – Clear Lake Ecological Services Office should be contacted at (281) 286-8282 regarding compliance with the ESA.

State Law: Parks and Wildlife Code - Chapter 64, Birds

Texas Parks and Wildlife (TPW) Code Section 64.002, regarding protection of nongame birds, provides that, "no person may . . . catch, kill, injure, pursue, or possess . . . a bird that is not a game bird." TPW Code Section 64.003, regarding destroying nests or eggs, provides that, "[n]o person may destroy or take the nests, eggs, or young and any wild game bird, wild bird, or wild fowl" TPW Code Chapter 64 does not allow for incidental take and, therefore, is more restrictive than the MBTA.

Ms. Ashley Thompson Page 3 May 28, 2020

Recommendation: Please review the *Federal Law: Migratory Bird Treaty Act* section above for recommendations as they are also applicable for Chapter 64 of the TPW Code compliance.

Species of Concern/Special Features

In addition to state and federally-protected species, TPWD tracks special features, natural communities, and rare species that are not listed as threatened or endangered but are considered to be SGCN. TPWD actively promotes their conservation and considers it important to evaluate and, if necessary, minimize impacts to rare species and their habitat to reduce the likelihood of endangerment and preclude the need to list. These species and communities are tracked in the TXNDD.

Recommendation: Please review the TPWD county list of rare and protected species for Harris County because species in addition to those discussed in this letter could be present within the project area depending upon habitat availability. Please review the updated county list for this and all other proposed projects moving forward. The USFWS should be contacted for species occurrence data, guidance, permitting, survey protocols, and mitigation for federally-listed species.

Determining the actual presence of a species in a given area depends on many variables including daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency and population density (both wildlife and human). The absence of a species can be demonstrated only with great difficulty and then only with repeated negative observations, taking into account all the variable factors contributing to the lack of detectable presence. If encountered during construction, measures should be taken to avoid impacting all wildlife, regardless of listing status.

Recommendation: If during construction, the project area is found to contain rare species, natural plant communities, or special features, TPWD recommends that precautions be taken to avoid impacts to them.

Recommendation: Implementation of the *General Construction Recommendations*, discussed above, would serve to minimize risk to many SGCN and other species of wildlife.

Data Reporting and the Texas Natural Diversity Database

TPWD maintains records of occurrence for protected and rare species, or SGCN, within the Texas Natural Diversity Database (TXNDD) and these data are publicly available by request. The TXNDD is intended to assist users in avoiding harm to rare species or significant ecological features. The TXNDD is updated continuously, and relies partially on information submitted by private parties, such as developers or their consultants. Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state.

Ms. Ashley Thompson Page 4 May 28, 2020

Although it is based on the best data available to TPWD regarding rare species, the data from the TXNDD do not provide a definitive statement as to the presence, absence, or condition of special species, natural communities, or other significant features within a project area. Determining the actual presence of a species in a given area depends on many variables including daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency, and population density (both wildlife and human). The absence of a species can be demonstrated only with great difficulty, and then only with repeated negative observations, taking into account all the variable factors contributing to the lack of detectable presence. Please note that the absence of TXNDD information in an area does not imply that a species is absent from that area. These data are not inclusive and cannot be substituted for field surveys.

Recommendation: To aid in the scientific knowledge of a species' status and current range, TPWD encourages reporting encounters of protected and rare species to the TXNDD according to the data submittal instructions found at the TPWD Texas Natural Diversity Database: Submit Data webpage.

Thank you for considering project impacts to Texas' fish, wildlife, and plant resources. If you have any questions, please contact me at Rachel.Lange@tpwd.texas.gov or (979)732-4213.

Sincerely,

Rachel Lange

Wildlife Habitat Assessment Program

Wildlife Division

Rachel Large

RAL/43957

APPENDIX IIE-2 U.S. FISH AND WILDLIFE SERVICE (USFWS) DOCUMENTATION

Appendix IIE-2A Request for Review Letter



May 15, 2020

Chuck Ardizzone

Project Leader Texas Coastal Ecological Services Field Office Houston Field Office 17629 El Camino Real #211 Houston, TX 77058

Mr. Ardizzone,

The applicant, Golder Associates Inc. (Golder) on behalf of USA Waste of Texas Landfills, Inc (USA Waste) is requesting U.S. Fish and Wildlife Service (USFWS) concurrence on effect determinations for federally listed threatened and endangered (T&E) species associated with the Hawthorn Park Landfill Expansion Project (Project) for compliance with Section 7 of the Endangered Species Act of 1973. The Project is located on an approximate 253-acre tract, north of Tanner Road, west of Gessner Road, and east of the Sam Houston Parkway in Houston, Harris County, Texas. (Please refer to the attached maps in the Federally Listed T&E Species Habitat Assessment Report).

USA Waste is proposing expansion of the existing Hawthorn Park Landfill currently permitted as Texas Commission on Environmental Quality (TCEQ) Municipal Solis Waste (MSW) Permit No. 2185. This report is completed in compliance with applicable TCEQ MSW permitting requirements for Wetlands (30 Texas Administrative Code [TAC] §330.61(m)) and Endangered or Threatened Species (30 TAC §330.61(n). The Project's expansion includes increasing the permitted area for landfill development to approximately 211 acres by including additional adjacent properties and previously abandoned road rights-of-ways (ROWs). Approximately 96% of the proposed permit area has been previously developed as part of ongoing landfill operations, recycling areas, access roads, and drainage features.

The expansion will also include completion of a detention basin located adjacent and east of the property. The detention pond will encompass approximately 45 acres and was approved by the City of Houston and Harris County Flood Control District in 1995. Construction of this detention pond has continued as part of ongoing landfill construction and operations.

Golder biologists conducted a site assessment for the Project on March 9-12, 2020 to identify the presence of any federally listed T&E species or presence of suitable habitats. The USFWS IPaC database was reviewed and identified five federally listed T&E species as potentially occurring within the Project survey area, no critical habitats for any federally listed species are located within the Project. Golder also reviewed the Project survey area for any species or species habitat, protected under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA).

The Project is surrounded on all sides by commercial and residential developments. The Project's survey area is primarily composed of an existing landfill and there are sections devoted for concrete recycling and organic mulching. The site is heavily disturbed, covered by fill, and contains primarily herbaceous vegetation.

Three of the five species identified on the IPaC are only required for review of wind related projects and therefore, were not assessed during the habitat assessment. These included the least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), and red knot (*Calidris canutus rufa*). The Project survey area is located far inland from habitat capable of supporting the west Indian manatee (*Trichechus manatus*). Additionally, due to the high modifications to natural habitats and the past and current disturbances associated with the land use of the Project's survey area no suitable habitat for the Texas prairie dawn-flower (*Hymenoxys texana*) exists. Therefore, it is Golder's' professional opinion that the Project will have *No Effect* on the five federally listed T&E species including the least tern, piping plover, red knot, west Indian manatee and Texas prairie dawn-flower.

Golder is requesting review by the USFWS with these No Effect determinations, if upon review, you agree please send a response indicating USFWS's approval of their compliance in coordination with the Endangered Species Act. A copy of the Federally Listed Species Habitat Assessment Report has been included for your convenience. Please contact Ashley Thompson at (941) 773-1848 or by email at Ashley_Thompson@Golder.com for any questions or require further information.

Ashley Thompson

Somuel Drombon

Senior Biologist

Jacob Trahan

Project Manager

fe h

Attachments: Attachment 1: Federally Listed Species Habitat Assessment Report

Appendix IIE-2B

Federally Listed Species Habitat Assessment Report



REPORT

Federally Listed Species Habitat Assessment Report Hawthorn Park Landfill Expansion Project

Submitted to:

U.S. Fish and Wildlife Service - Texas Coastal Ecological Services Field Office Houston Field Office 17629 El Camino Real #211 Houston, TX 77058

Submitted by:

Golder Associates, Inc. 14950 Heathrow Forest Parkway, Suite 280 Houston, Texas 77032

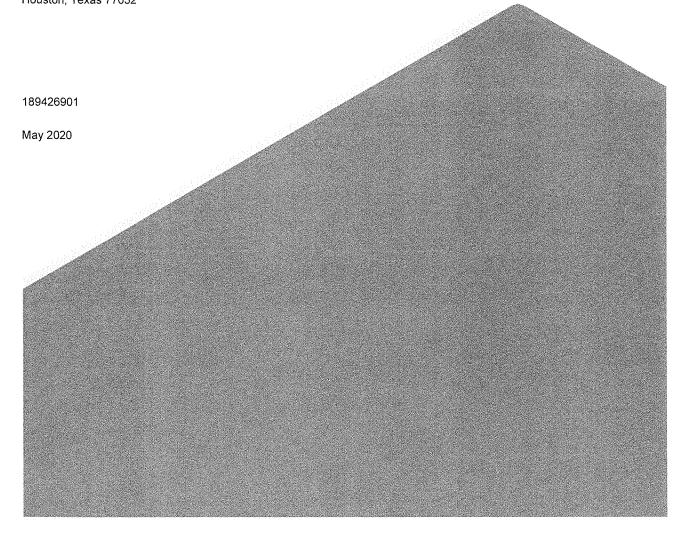


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May 2020 189426901

1.0 INTRODUCTION

Golder Associates (Golder) was retained by USA Waste of Texas Landfills, Inc (USA Waste) to perform a biological resource habitat assessment for federally listed Threatened and Endangered (T&E) species and designated critical habitat for the Hawthorn Park Landfill Expansion Project (Project). USA Waste is proposing expansion of the existing Hawthorn Park Landfill currently permitted as Texas Commission on Environmental Quality (TCEQ) Municipal Solis Waste (MSW) Permit No. 2185 located north of Tanner Road, west of Gessner Road, and east of the Sam Houston Parkway in Houston, Harris County, Texas as shown in Appendix A. This report is completed in compliance with applicable TCEQ MSW permitting requirements for Wetlands (30 Texas Administrative Code [TAC] §330.61(m)) and Endangered or Threatened Species (30 TAC §330.61(n)). The biological resource habitat assessment consisted of the identification of species occurrence, potentially suitable habitat, and any designated critical habitat located within the Project's approximate 253-acre survey area (survey area).

2.0 PROJECT DESCRIPTION

The Project's expansion includes increasing the permitted area for landfill development to approximately 211 acres by including additional adjacent properties and previously abandoned road rights-of-ways (ROWs). Approximately 96% of the proposed permit area has been previously developed as part of ongoing landfill operations, recycling areas, access roads, and drainage features.

The expansion will also include completion of a detention basin located adjacent and east of the property. The detention pond will encompass approximately 45 acres and was approved by the City of Houston and Harris County Flood Control District in 1995. Construction of this detention pond has continued as part of ongoing landfill construction and operations.

3.0 METHODOLOGY

3.1 Background Review

Prior to conducting field surveys, Golder reviewed published information for the survey area to gain an understanding of the existing site conditions. Golder reviewed information from the following sources:

- United States Geologic Survey (USGS) topographic survey maps;
- Historic and current aerial photographs;
- Natural Resources Conservation Service (NRCS) soil survey database; and
- United States Fish and Wildlife Service (USFWS) Information for Planning and Consulting (IPaC) online mapping system.

3.1.1 USGS Topographic Survey Maps and Aerial Photography

Golder reviewed the USGS 7.5 Quadrangle Topographic Map, Hedwig Village, Texas prior to conducting field surveys. The topographic maps identified areas that historically contained ponds and streams throughout the Project survey area. Recent aerial photography reveals a system of ponds and drainage ditches that direct the flow of stormwater from the west to the east across the Project area.

May 2020 189426901

3.1.2 NWI Wetlands

The USFWS NWI data shows potential wetlands and ponds located throughout the Project survey area. These NWI features are included in the Project mapping provided as Appendix A.

3.1.3 Soils

The NRCS soils data lists two soil series within the Project (Appendix A). Table 1 below presents the soil data for the Project survey area.

Table 1: NRCS Soils Located within the Project Survey Area

Soil Series Map Unit	Soil Map Unit Symbol	Slope Percentage	Hydric Rating
Cyfair-Urban Land Complex	CyuA	0 – 1	Not Hydric
Addicks-Urban Land Complex	Ak	0 – 1	Hydric

3.1.4 USFWS IPaC

The USFWS IPaC identified five federally listed T&E species as potentially occurring within the Project survey area, three of which (the least tern, piping plover, and red knot) are only required for review of wind related projects and therefore, are not discussed any further. The IPaC did not identify the presence or any federally designated critical habitats occurring within the Project. Table 2 below lists the remaining two species, along with their general habitat requirements, and habitat presence within the Project survey area.

Table 2: Federally Listed T&E Species Within the Survey Area

Listed Species	Federal Status	Habitat Requirements	Habitat Likely within Project
West Indian Manatee (Trichechus manatus)	Threatened	The west Indian manatee is found in marine areas containing brackish water with underwater seagrass and eelgrass. The Project survey area is located far inland and does not contain any suitable habitat capable of supporting the species.	No
Texas Prairie Dawn- flower (Hymenoxys texana)	Endangered	The Texas prairie dawn is a flowering plant historically found along the coastal prairie region of Texas. Suitable habitat for this species consists of areas containing Gessner and Katy fine sandy loam soils, typically located at the base of pimple mounds. The Project survey area contains clay and sandy clay loam soils and is heavily disturbed due to past land use as	No

Listed Species	Federal Status		Habitat Likely within Project
		landfill among other construction activities. No Gessner or Katy fine sandy loams or pimple mounds are located within the Project survey area. The Project survey area does not contain any suitable habitat capable of supporting the species.	

3.2 Threatened and Endangered Species Surveys

Golder biologists conducted the biological resource survey on March 9-12, 2020 to determine the presence of federally listed T&E species or if suitable habitat for federally listed T&E species is present within the Project survey area. Surveys were conducted along meandering transects and field maps and a sub-meter GPS with the survey area boundaries were used for navigation. Observations were recorded and photographs were taken of general habitat characteristics. Additional focus was given to potential suitable habitat for protected species identified during the desktop review and potential nesting habitat for migratory birds. If any suitable habitat for federally listed species was observed within the survey area, a datapoint was collected using a sub-meter GPS. A photolog with representative site photographs taken during the survey are provided in Appendix C.

3.3 Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act

The survey area was surveyed for species and species habitat, protected under the Migratory Bird Treaty Act (MBTA) and Bald and Golden Eagle Protection Act (BGEPA). Focus was given to potential suitable habitat identified during the initial background review and potential nesting habitat for MBTA and BGEPA species identified during field surveys. If any suitable habitat was observed within the survey area, a datapoint was collected using a sub-meter GPS and relevant features were documented. A photolog with representative site photographs taken during the survey are in Appendix C.

4.0 FIELD SURVEY RESULTS

Golder conducted the field surveys within the Project survey area, shown in the mapping exhibits provided in Appendix A. Datasheets documenting hydrology, vegetation, and soil conditions at the site are located in Appendix B. Photographs taken at the site depicting conditions documented within the Project survey areas are provided in Appendix C. Land use types within the upland areas consists of industrial areas, pipeline ROWs, forested areas, and existing restored portions of the landfill.

4.1 Vegetation

Characteristic vegetation observed within the Project survey area consisted of bermudagrass (*Cynodon dactylon*), Carolina geranium (*Geranium carolinianum*), huisache (*Vachellia farnesiana*), King Ranch bluestem (*Bothriochloa ischaemum*), sawtooth hackberry (*Rubus argutus*), white mulberry (*Morus alba*), field mustard (*Brassica rapa*), Texas thistle (*Cirsium texanum*), American elm (*Ulmus americana*), water oak (*Quercus nigra*), sugar hackberry (*Celtis laevigata*), Alabama supplejack (*Berchemia scandens*), American sycamore (*Platanus occidentalis*),

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Chinese tallow (*Triadica sebifera*), woodrush flatsedge (*Cyperus entrerianus*), spikerush (*Eleocharis montevidensis*), broadleaf cattail (*Typha latifolia*), and black willow (*Salix nigra*).

4.2 Threatened and Endangered Species

The USFWS IPaC identified two federally listed T&E species that could potentially occur within the Project survey area, the west Indian manatee and Texas prairie dawn-flower. Table 3 below lists the species along with their general habitat requirements, and habitat presence within the Project survey area. Golder's review of the Project survey areas revealed that no suitable habitat is present. Therefore, the Project should result in *No Effect* on the west Indian manatee or Texas prairie dawn-flower.

Table 3: Effects Determination for Federally Listed T&E Species within the Survey Area

Species Name	Federal Status	Habitat Requirements	Effect Determination
West Indian Manatee (<i>Trichechus manatus</i>)	Threatened	The west Indian manatee is found in marine areas containing brackish water with underwater seagrass and eelgrass. The Project survey area is located far inland and does not contain any suitable habitat capable of supporting the species. Due to the lack of suitable habitat within the Project, no impacts to the species are anticipated.	No Effect
Texas Prairie Dawn-flower (Hymenoxys texana)	Endangered	The Texas prairie dawn-flower is found along the coastal prairies of Texas in sparsely vegetated areas containing find sandy soil, typically at the base of pimple mounds within undisturbed prairies. The Project survey area contains clay and sandy clay soils and is heavily vegetated with very little exposed soils. Additionally, significant ground disturbance has historically occurred throughout the Project survey area. Due to the lack of suitable habitat within the Project survey area, no impacts to the species are anticipated.	No Effect

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4.3 MBTA and BGEPA

The survey area contains potentially suitable nesting habitat for multiple MBTA protected species and several unoccupied nests were identified during field surveys.

Golder biologists did not identify any unoccupied raptor nests within the survey area. Some sparse forested areas are located within the survey area; however, mature trees large enough to support eagle nesting were not identified. Therefore, it is not anticipated that the survey area could support nesting eagles.

5.0 CONCLUSIONS AND RECOMMENDATIONS

Golder performed field surveys to identify the presence of federally listed T&E species, any suitable habitat for federally listed T&E species, and avian species protected under the MBTA and BGEPA within the Project survey area on March 9-12, 2020.

The Project is surrounded on all sides by commercial and residential developments. The Project's survey area is primarily composed of an existing landfill and there are sections devoted for concrete recycling and organic mulching. The site is heavily disturbed, covered by fill, and contains primarily herbaceous vegetation. Tree clearing would occur within the sparse forested area located on the north side of the site (Attachment A). The majority of the Project activities would be temporary in nature and would be allowed to revegetate following construction.

The USFWS IPaC identified five federally listed T&E species as potentially occurring within the Project survey area, three of which (the least tern, piping plover, and red knot) are only required for review of wind related projects and therefore, not discussed. Presence and/or habitat of the two remaining species, west Indian manatee and Texas prairie dawn-flower was not observed during the habitat assessment field surveys. Therefore, it is Golder's professional opinion that the Project will have No Effect on the five federally listed T&E species including the least tern, piping plover, red knot, west Indian manatee and Texas prairie dawn-flower. No federally designated critical habitat is located within the Project's survey area.

Golder's conclusion reflects our professional opinion based on conditions present at the time of the evaluation. Discrepancies may arise between current and future evaluation of biological resources at the Project due to changes in land use, vegetation, and/or hydrology. No warranties, implied or expressed, are made.

6.0 REFERENCES

Natural Resources Conservation Service (NRCS). 2012. Web Soil Survey – Harris County, Texas. Available at: http://websoilsurvey.nrcs.usda.gov.

Soil Survey Staff. 2014. Keys to Soil Taxonomy, 12th ed. USDA-Natural Resources Conservation Service, Washington, DC.

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- U.S. Fish and Wildlife Service. National Wetlands Inventory Mapper. 2020. https://www.fws.gov/wetlands/data/Mapper.html
- U.S. Fish and Wildlife Service. 2018. West Indian Manatee 5-Year Review: Summary and Evaluation. https://ecos.fws.gov/docs/five_year_review/doc3771.pdf. Accessed March 2020.
- U.S. Fish and Wildlife Service. 2015. Texas Prairie Dawn-Flower 5 Year Review: Summary and Evaluation.

https://www.fws.gov/southwest/es/Documents/R2ES/TexasPrairieDawn_5YrReview_Aug2015.pdf. Accessed March 2020.

U.S. Geological Survey. 7.5 Minute Quadrangle Topographic Maps. 1982. Hedwig Village, Texas.

May 2020

Signature Page

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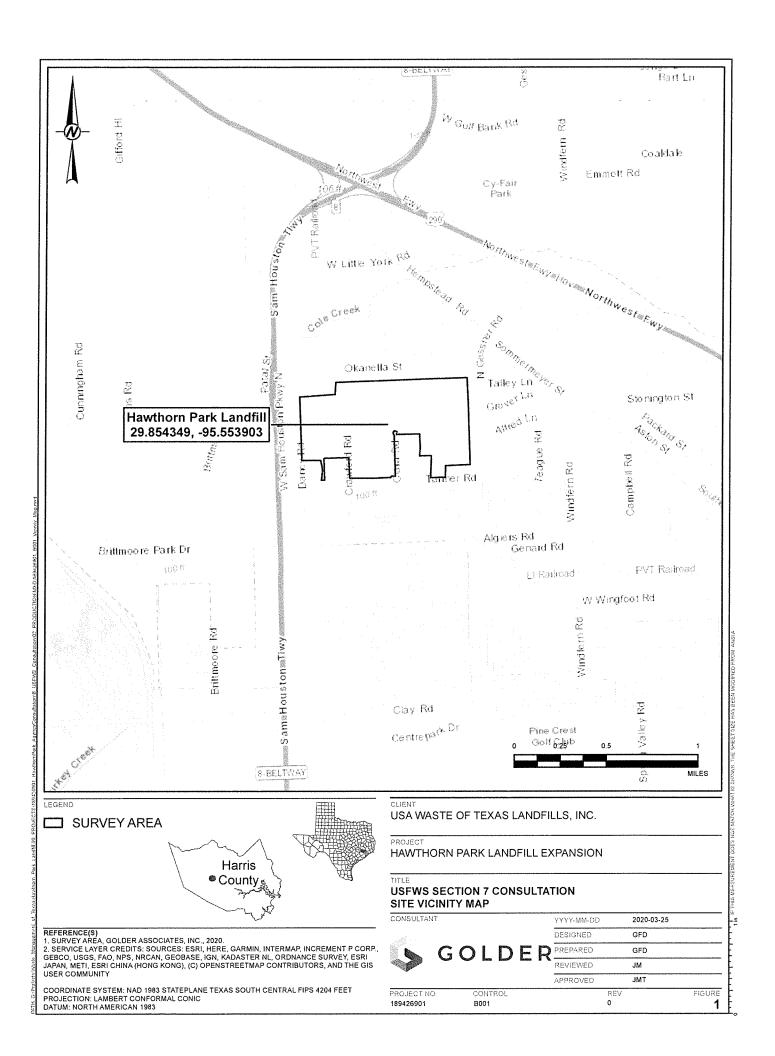
Jeremy Munz Project Biologist Jacob Trahan

Project Manager



golder.com

Appendix A





☐ SURVEY AREA **TRANSECTS**



REFERENCE(S)

1. SURVEY AREA, TRANSECTS, GOLDER ASSOCIATES, INC., 2020.

2. SERVICE LAYER CREDITS: SOURCE: ESRI, DIGITALGLOBE, GEOEYE, EARTHSTAR GEOGRAPHICS, CNESIAIRBUS DS, USDA, USGS, AEROGRID, IGN, AND THE GIS USER COMMUNITY

TEVAS SOLITH CENTRAL FIPS 4204 FEET

USA WASTE OF TEXAS LANDFILLS, INC.

PROJECT

HAWTHORN PARK LANDFILL EXPANSION

USFWS SECTION 7 CONSULTATION AERIAL MAP

CONSULTANT

4T						YYYY-MM-DD	2020-03-25
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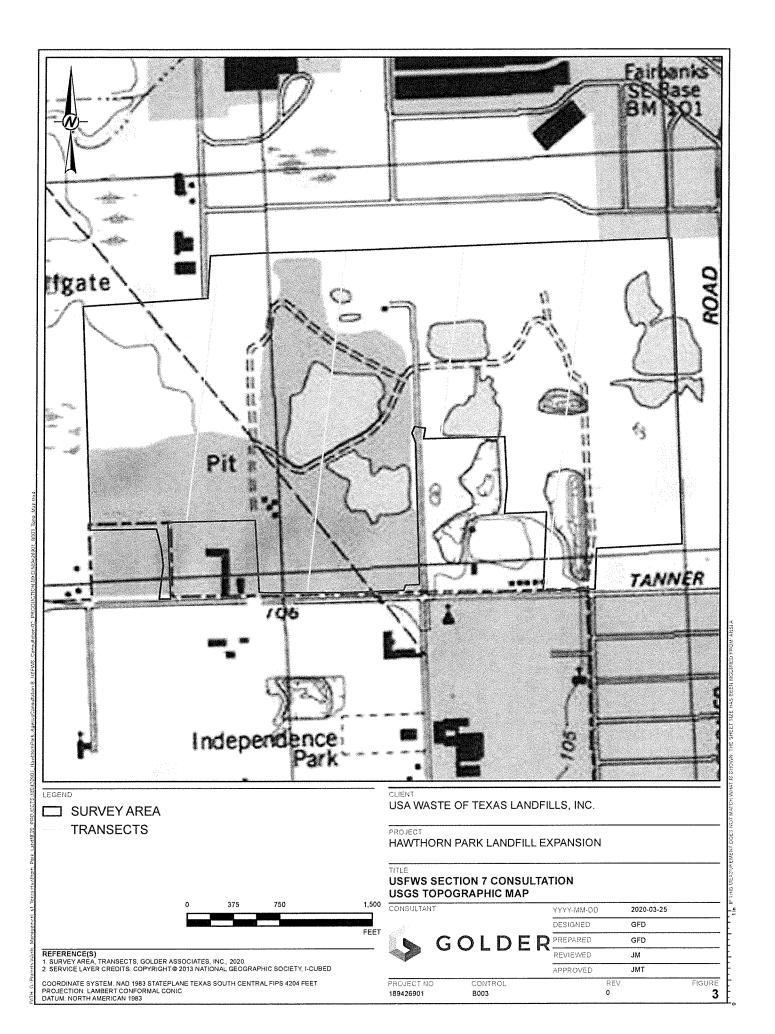
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COORDINATE SYSTEM: NAD 1983 STATEPLANE TEXAS SOUTH CENTRAL FIPS 4204 FEET PROJECTION: LAMBERT CONFORMAL CONIC DATUM: NORTH AMERICAN 1983



Appendix B

Note: Appendix B of the Federally Listed Species Habitat Assessment Report contains the same Datasheets as the Aquatic Resource Delineation Report Appendix B.

SEE THIS PERMIT AMENDMENT APPLICATION, PART II, APPENDIX IID-2C, AQUATIC RESOURCE DELINEATION REPORT FOR DATASHEETS.

Appendix C

Note: Appendix C of the Federally Listed Species Habitat
Assessment Report contains the same Photologs as the Aquatic
Resource Delineation Report Appendix C.

SEE THIS PERMIT AMENDMENT APPLICATION, PART II, APPENDIX IID-2C, AQUATIC RESOURCE DELINEATION REPORT FOR PHOTOLOGS.

Appendix D



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Texas Coastal Ecological Services Field Office 17629 El Camino Real #211 Houston, TX 77058

Phone: (281) 286-8282 Fax: (281) 488-5882 http://www.fws.gov/southwest/es/ES Lists Main2.html



March 16, 2020

In Reply Refer To:

Consultation Code: 02ETTX00-2020-SLI-1387

Event Code: 02ETTX00-2020-E-02871

Project Name: Hawthorn Landfill Expansion Project

Subject: List of threatened and endangered species that may occur in your proposed project

location, and/or may be affected by your proposed project

To Whom It May Concern:

The U.S. Fish and Wildlife Service (Service) field offices in Clear Lake, Tx, and Corpus Christi, Tx, have combined administratively to form the Texas Coastal Ecological Services Field Office. A map of the Texas Coastal Ecological Services Field Office area of responsibility can be found at: http://www.fws.gov/southwest/es/TexasCoastal/Map.html. All project related correspondence should be sent to the field office responsible for the area in which your project occurs. For projects located in southeast Texas please write to: Field Supervisor; U.S. Fish and Wildlife Service; 17629 El Camino Real Ste. 211; Houston, Texas 77058. For projects located in southern Texas please write to: Field Supervisor; U.S. Fish and Wildlife Service; P.O. Box 81468; Corpus Christi, Texas 78468-1468. For projects located in six counties in southern Texas (Cameron, Hidalgo, Starr, Webb, Willacy, and Zapata) please write: Santa Ana NWR, ATTN: Ecological Services Sub Office, 3325 Green Jay Road, Alamo, Texas 78516.

The enclosed species list identifies federally threatened, endangered, and proposed to be listed species; designated critical habitat; and candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project.

New information from updated surveys, changes in the abundance and distribution of species, changes in habitat conditions, or other factors could change the list. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS-IPaC website http://ecos.fws.gov/ipac/ at regular intervals during project planning and implementation for updates to species list and information. An updated list may be

requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

Candidate species have no protection under the Act but are included for consideration because they could be listed prior to the completion of your project. The other species information should help you determine if suitable habitat for these listed species exists in any of the proposed project areas or if project activities may affect species on-site, off-site, and/or result in "take" of a federally listed species.

"Take" is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. In addition to the direct take of an individual animal, habitat destruction or modification can be considered take, regardless of whether it has been formally designated as critical habitat, if the activity results in the death or injury of wildlife by removing essential habitat components or significantly alters essential behavior patterns, including breeding, feeding, or sheltering.

Section 7

Section 7 of the Act requires that all Federal agencies consult with the Service to ensure that actions authorized, funded or carried out by such agencies do not jeopardize the continued existence of any listed threatened or endangered species or adversely modify or destroy critical habitat of such species. It is the responsibility of the Federal action agency to determine if the proposed project may affect threatened or endangered species. If a "may affect" determination is made, the Federal agency shall initiate the section 7 consultation process by writing to the office that has responsibility for the area in which your project occurs.

Is not likely to adversely affect - the project may affect listed species and/or critical habitat; however, the effects are expected to be discountable, insignificant, or completely beneficial. Certain avoidance and minimization measures may need to be implemented in order to reach this level of effects. The Federal agency or the designated non-Federal representative should seek written concurrence from the Service that adverse effects have been eliminated. Be sure to include all of the information and documentation used to reach your decision with your request for concurrence. The Service must have this documentation before issuing a concurrence.

Is likely to adversely affect - adverse effects to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable, insignificant, or beneficial. If the overall effect of the proposed action is beneficial to the listed species but also is likely to cause some adverse effects to individuals of that species, then the proposed action "is likely to adversely affect" the listed species. An "is likely to adversely affect" determination requires the Federal action agency to initiate formal section 7 consultation with this office.

No effect - the proposed action will not affect federally listed species or critical habitat (i.e., suitable habitat for the species occurring in the project county is not present in or adjacent to the action area). No further coordination or contact with the Service is necessary. However, if the

project changes or additional information on the distribution of listed or proposed species becomes available, the project should be reanalyzed for effects not previously considered.

Regardless of your determination, the Service recommends that you maintain a complete record of the evaluation, including steps leading to the determination of affect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related articles.

Please be advised that while a Federal agency may designate a non-Federal representative to conduct informal consultations with the Service, assess project effects, or prepare a biological assessment, the Federal agency must notify the Service in writing of such a designation. The Federal agency shall also independently review and evaluate the scope and contents of a biological assessment prepared by their designated non-Federal representative before that document is submitted to the Service.

The Service's Consultation Handbook is available online to assist you with further information on definitions, process, and fulfilling Act requirements for your projects at: http://www.fws.gov/endangered/esa-library/pdf/esa section handbook.pdf

Section 10

If there is no federal involvement and the proposed project is being funded or carried out by private interests and/or non-federal government agencies, and the project as proposed may affect listed species, a section 10(a)(1)(B) permit is recommended. The Habitat Conservation Planning Handbook is available at: http://www.fws.gov/endangered/esa-library/pdf/HCP Handbook.pdf

Service Response

Please note that the Service strives to respond to requests for project review within 30 days of receipt, however, this time period is not mandated by regulation. Responses may be delayed due to workload and lack of staff. Failure to meet the 30-day timeframe does not constitute a concurrence from the Service that the proposed project will not have impacts to threatened and endangered species.

Proposed Species and/or Proposed Critical Habitat

While consultations are required when the proposed action may affect listed species, section 7(a) (4) was added to the ESA to provide a mechanism for identifying and resolving potential conflicts between a proposed action and proposed species or proposed critical habitat at an early planning stage. The action agency should seek conference from the Service to assist the action agency in determining effects and to advise the agency on ways to avoid or minimize adverse effect to proposed species or proposed critical habitat.

Candidate Species

Candidate species are species that are being considered for possible addition to the threatened and endangered species list. They currently have no legal protection under the ESA. If you find you have potential project impacts to these species the Service would like to provide technical

assistance to help avoid or minimize adverse effects. Addressing potential impacts to these species at this stage could better provide for overall ecosystem healh in the local area and ay avert potential future listing.

Several species of freshwater mussels occur in Texas and four are candidates for listing under the ESA. The Service is also reviewing the status of six other species for potential listing under the ESA. One of the main contributors to mussel die offs is sedimentation, which smothers and suffocates mussels. To reduce sedimentation within rivers, streams, and tributaries crossed by a project, the Service recommends that that you implement the best management practices found at: http://www.fws.gov/southwest/es/TexasCoastal/FreshwaterMussels.html.

Candidate Conservation Agreements (CCAs) or Candidate Conservation Agreements with Assurances (CCAAs) are voluntary agreements between the Service and public or private entities to implement conservation measures to address threats to candidate species. Implementing conservation efforts before species are listed increases the likelihood that simpler, flexible, and more cost-effective conservation options are available. A CCAA can provide participants with assurances that if they engage in conservation actions, they will not be required to implement additional conservation measures beyond those in the agreement. For additional information on CCAs/CCAAs please visit the Service's website at http://www.fws.gov/endangered/what-we-do/cca.html.

Migratory Birds

The Migratory Bird Treaty Act (MBTA) implements various treaties and conventions for the protection of migratory birds. Under the MBTA, taking, killing, or possessing migratory birds is unlawful. Many may nest in trees, brush areas or other suitable habitat. The Service recommends activities requiring vegetation removal or disturbance avoid the peak nesting period of March through August to avoid destruction of individuals or eggs. If project activities must be conducted during this time, we recommend surveying for active nests prior to commencing work. A list of migratory birds may be viewed at http://www.fws.gov/migratorybirds/regulationspolicies/mbta/mbtandx.html.

The bald eagle (*Haliaeetus leucocephalus*) was delisted under the Act on August 9, 2007. Both the bald eagle and the goden eagle (*Aquila chrysaetos*) are still protected under the MBTA and BGEPA. The BGEPA affords both eagles protection in addition to that provided by the MBTA, in particular, by making it unlawful to "disturb" eagles. Under the BGEPA, the Service may issue limited permits to incidentally "take" eagles (e.g., injury, interfering with normal breeding, feeding, or sheltering behavior nest abandonment). For more information on bald and golden eagle management guidlines, we recommend you review information provided at http://www.fws.gov/midwest/eagle/pdf/NationalBaldEagleManagementGuidelines.pdf.

The construction of overhead power lines creates threats of avian collision and electrocution. The Service recommends the installation of underground rather than overhead power lines whenever possible. For new overhead lines or retrofitting of old lines, we recommend that project

developers implement, to the maximum extent practicable, the Avian Power Line Interaction Committee guidelines found at http://www.aplic.org/.

Meteorological and communication towers are estimated to kill millions of birds per year. We recommend following the guidance set forth in the Service Interim Guidelines for Recommendations on Communications Tower Siting, Constructions, Operation and Decommissioning, found online at: http://www.fws.gov/habitatconservation/communicationtowers.html, to minimize the threat of avian mortality at these towers. Monitoring at these towers would provide insight into the effectiveness of the minimization measures. We request the results of any wildlife mortality monitoring at towers associated with this project.

We request that you provide us with the final location and specifications of your proposed towers, as well as the recommendations implemented. A Tower Site Evaluation Form is also available via the above website; we recommend you complete this form and keep it in your files. If meteorological towers are to be constructed, please forward this completed form to our office.

More information concerning sections 7 and 10 of the Act, migratory birds, candidate species, and landowner tools can be found on our website at: http://www.fws.gov/southwest/es/ TexasCoastal/ProjectReviews.html.

Wetlands and Wildlife Habitat

Wetlands and riparian zones provide valuable fish and wildlife habitat as well as contribute to flood control, water quality enhancement, and groundwater recharge. Wetland and riparian vegetation provides food and cover for wildlife, stabilizes banks and decreases soil erosion. These areas are inherently dynamic and very sensitive to changes caused by such activities as overgrazing, logging, major construction, or earth disturbance. Executive Order 11990 asserts that each agency shall provide leadership and take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial value of wetlands in carrying out the agency's responsibilities. Construction activities near riparian zones should be carefully designed to minimize impacts. If vegetation clearing is needed in these riparian areas, they should be re-vegetated with native wetland and riparian vegetation to prevent erosion or loss of habitat. We recommend minimizing the area of soil scarification and initiating incremental re-establishment of herbaceous vegetation at the proposed work sites. Denuded and/or disturbed areas should be re-vegetated with a mixture of native legumes and grasses. Species commonly used for soil stabilization are listed in the Texas Department of Agriculture's (TDA) Native Tree and Plant Directory, available from TDA at P.O. Box 12847, Austin, Texas 78711. The Service also urges taking precautions to ensure sediment loading does not occur to any receiving streams in the proposed project area. To prevent and/or minimize soil erosion and compaction associated with construction activities, avoid any unnecessary clearing of vegetation, and follow established rights-of-way whenever possible. All machinery and petroleum products should be stored outside the floodplain and/or wetland area during construction to prevent possible contamination of water and soils.

Wetlands and riparian areas are high priority fish and wildlife habitat, serving as important sources of food, cover, and shelter for numerous species of resident and migratory wildlife. Waterfowl and other migratory birds use wetlands and riparian corridors as stopover, feeding, and nesting areas. We strongly recommend that the selected project site not impact wetlands and riparian areas, and be located as far as practical from these areas. Migratory birds tend to concentrate in or near wetlands and riparian areas and use these areas as migratory flyways or corridors. After every effort has been made to avoid impacting wetlands, you anticipate unavoidable wetland impacts will occur; you should contact the appropriate U.S. Army Corps of Engineers office to determine if a permit is necessary prior to commencement of construction activities.

If your project will involve filling, dredging, or trenching of a wetland or riparian area it may require a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers (COE). For permitting requirements please contact the U.S. Corps of Engineers, District Engineer, P.O. Box 1229, Galveston, Texas 77553-1229, (409) 766-3002.

Beneficial Landscaping

In accordance with Executive Order 13112 on Invasive Species and the Executive Memorandum on Beneficial Landscaping (42 C.F.R. 26961), where possible, any landscaping associated with project plans should be limited to seeding and replanting with native species. A mixture of grasses and forbs appropriate to address potential erosion problems and long-term cover should be planted when seed is reasonably available. Although Bermuda grass is listed in seed mixtures, this species and other introduced species should be avoided as much as possible. The Service also recommends the use of native trees, shrubs, and herbaceous species that are adaptable, drought tolerant and conserve water.

State Listed Species

The State of Texas protects certain species. Please contact the Texas Parks and Wildlife Department (Endangered Resources Branch), 4200 Smith School Road, Austin, Texas 78744 (telephone 512/389-8021) for information concerning fish, wildlife, and plants of State concern or visit their website at: http://www.tpwd.state.tx.us/huntwild/wildlife_diversity/texas_rare_species/listed_species/.

If we can be of further assistance, or if you have any questions about these comments, please contact 281/286-8282 if your project is in southeast Texas, or 361/994-9005, ext. 246, if your project is in southern Texas. Please refer to the Service consultation number listed above in any future correspondence regarding this project.

Attachment(s):

Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Texas Coastal Ecological Services Field Office 17629 El Camino Real #211 Houston, TX 77058 (281) 286-8282

Project Summary

Consultation Code: 02ETTX00-2020-SLI-1387

Event Code:

02ETTX00-2020-E-02871

Project Name:

Hawthorn Landfill Expansion Project

Project Type:

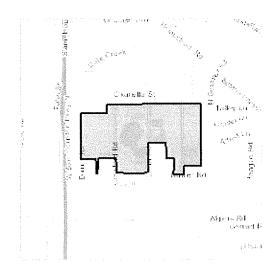
Landfill

Project Description: USA Waste of Texas Landfills, Inc proposes to expand its existing

Hawthorn landfill.

Project Location:

Approximate location of the project can be viewed in Google Maps: https:// www.google.com/maps/place/29.8541370881867N95.55407817160888W



Counties: Harris, TX

Endangered Species Act Species

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 3 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

<u>NOAA Fisheries</u>, also known as the National Marine Fisheries Service (NMFS), is an
office of the National Oceanic and Atmospheric Administration within the Department of
Commerce.

Mammals

NAME STATUS

West Indian Manatee Trichechus manatus

Threatened

There is final critical habitat for this species. Your location is outside the critical habitat.

This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.

Species profile: https://ecos.fws.gov/ecp/species/4469

Birds

NAME

STATUS

Least Tern Sterna antillarum

Endangered

Population: interior pop.

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

• Wind related projects within migratory route. Species profile: https://ecos.fws.gov/ecp/species/8505

Piping Plover Charadrius melodus

Threatened

Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered.

There is **final** critical habitat for this species. Your location is outside the critical habitat.

This species only needs to be considered under the following conditions:

Wind related projects within migratory route.

Species profile: https://ecos.fws.gov/ecp/species/6039

Red Knot Calidris canutus rufa

Threatened

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

Wind related projects within migratory route.
 Species profile: https://ecos.fws.gov/ecp/species/1864

Flowering Plants

NAME

STATUS

Texas Prairie Dawn-flower *Hymenoxys texana*

Endangered

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6471

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Appendix IIE-2C USFWS Correspondence

Tat, Emily

From:

Bearb, Amber <amber_bearb@fws.gov>

Sent:

Friday, July 31, 2020 11:30 AM

To:

Thompson, Ashley

Subject:

Re: [EXTERNAL] USA Waste- Hawthorn Park Landfill Expansion

Ashley,

It was nice chatting with you on the phone this morning. You stated that you all are working with the USACE on this project under the existing permit SWG-1992-01983, correct?

Under Section 7 of the Endangered Species Act, the Federal Action agency or its designated non-federal representative, is required to consult with the Service. So in this case, it seems that the USACE is the federal agency (permit is the federal nexus). If that is correct, then they are required to make the determinations for each species under Section 7 and communicate that to our field office. If there is no federal nexus, then consultation under Section 7 is not required.

Thanks and please let me know if you have further questions! Amber

Amber Bearb
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Texas Coastal Ecological Services Field Office, Clear Lake
17629 El Camino Ste 211

Houston, Texas 77058

Office: 281-286-8282 ext. 26501

Cell: 346-815-7200 Direct: 281-212-1501

From: Thompson, Ashley <Ashley Thompson@golder.com>

Sent: Friday, July 31, 2020 10:15 AM

To: Bearb, Amber <amber_bearb@fws.gov>

Subject: RE: [EXTERNAL] USA Waste- Hawthorn Park Landfill Expansion

NOTE: This email chain appears to contain email from outside Golder

Good Morning Amber,

USA Waste is proposing expansion of the existing Hawthorn Park Landfill currently permitted as Texas Commission on Environmental Quality (TCEQ) Municipal Solis Waste (MSW) Permit No. 2185. The consultation package is completed in compliance with applicable TCEQ MSW permitting requirements for Endangered or Threatened Species (30 TAC §330.61(n)).

^{**}Currently in telework status - the best way to reach me is by the cell number listed above**

Please let me know if you have any more questions.

Thank you! Ashley

From: Bearb, Amber <amber bearb@fws.gov>

Sent: Friday, July 31, 2020 8:43 AM

To: Thompson, Ashley <Ashley Thompson@golder.com>

Subject: Re: [EXTERNAL] USA Waste- Hawthorn Park Landfill Expansion

Ashley,

Thank you for checking in. Can you please clarify the federal nexus (funding, authority, permitting) for this project?

Amber

Amber Bearb
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Texas Coastal Ecological Services Field Office, Clear Lake
17629 El Camino Ste 211
Houston, Texas 77058

Office: 281-286-8282 ext. 26501

Cell: 346-815-7200 Direct: 281-212-1501

Currently in telework status - the best way to reach me is by the cell number listed above

From: Thompson, Ashley < Ashley Thompson@golder.com >

Sent: Friday, July 31, 2020 6:39 AM

To: Ardizzone, Chuck CA <chuck ardizzone@fws.gov>

Cc: Trahan, Jacob < Jacob Trahan@golder.com >; Hoth, David < david hoth@fws.gov >; Bearb, Amber

<amber bearb@fws.gov>

Subject: RE: [EXTERNAL] USA Waste- Hawthorn Park Landfill Expansion

NOTE: This email chain appears to contain email from outside Golder

Good Morning,

Just checking in on the USA Waste Hawthorn Park Project review? Please let me know if you all need anything else from us.

Thank you,

Ashley Thompson Senior Project Biologist

Golder Associates Inc.

14950 Heathrow Forest Parkway, Suite 280, Houston, Texas, USA 77032

T: +1 281 821-6868 | D: +1 281 821-6868 x24013 | C: +1 941 773-1848 | golder.com

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Please consider the environment before printing this email.

From: Ardizzone, Chuck CA < chuck ardizzone@fws.gov>

Sent: Thursday, July 9, 2020 10:10 AM

To: Thompson, Ashley <Ashley Thompson@golder.com>

Cc: Trahan, Jacob Jacob Trahan@golder.com; Hoth, David david hoth@fws.gov; Bearb, Amber

<amber bearb@fws.gov>

Subject: Re: [EXTERNAL] USA Waste- Hawthorn Park Landfill Expansion

Ashley,

just wanted to acknowledge this email and let you know I will have staff look at this and get back to as soon as possible. It will probably not be until next week.

Chuck Ardizzone

Project Leader Texas Coastal Ecological Services U.S. Fish & Wildlife Service 17629 El Camino Real, Ste 211 Houston, TX 77058

W: (281) 286-8282 Ext 26506

C: (713) 882-1912 F: (281) 488-5882

From: Thompson, Ashley < Ashley Thompson@golder.com >

Sent: Thursday, July 9, 2020 09:55

To: Ardizzone, Chuck CA <chuck ardizzone@fws.gov> Cc: Trahan, Jacob < Jacob Trahan@golder.com>

Subject: [EXTERNAL] USA Waste- Hawthorn Park Landfill Expansion

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good Morning Chuck,

As we discussed, attached is a copy of the consultation package that we mailed to the Clear Lake office on May 15, 2020 for the USA Waste of Texas Hawthorn Park Landfill Expansion Project within Harris County. Please let us know if you have any questions.

I appreciate your help.

Thank you,

Ashley Thompson Senior Project Biologist



Golder Associates Inc. 14950 Heathrow Forest Parkway, Suite 280, Houston, Texas, USA 77032 T: +1 281 821-6868 | D: +1 281 821-6868 x24013 | C: +1 941 773-1848 | golder.com GOLDER LinkedIn | Facebook | Twitter

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Please consider the environment before printing this email.

Ellie Guerra

From: PUBCOMMENT-OCC

Sent: Monday, February 27, 2023 11:17 AM

To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject: FW: Public comment on Permit Number 2185A

Attachments: 2185MAPLEGENDAEASEMENTTOBEABANDONED.pdf

From: myraajefferson@gmail.com <myraajefferson@gmail.com>

Sent: Thursday, February 23, 2023 9:24 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER: 2023-0265-MSW

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Myra Jefferson

EMAIL: myraajefferson@gmail.com

COMPANY: Revitalize America Partnership

ADDRESS: 5417 GESSNER RD HOUSTON TX 77041-7405

PHONE: 2813890237

FAX:

COMMENTS: #1. Attached is a map that shows the rights-of-way described in the legend as easements to be

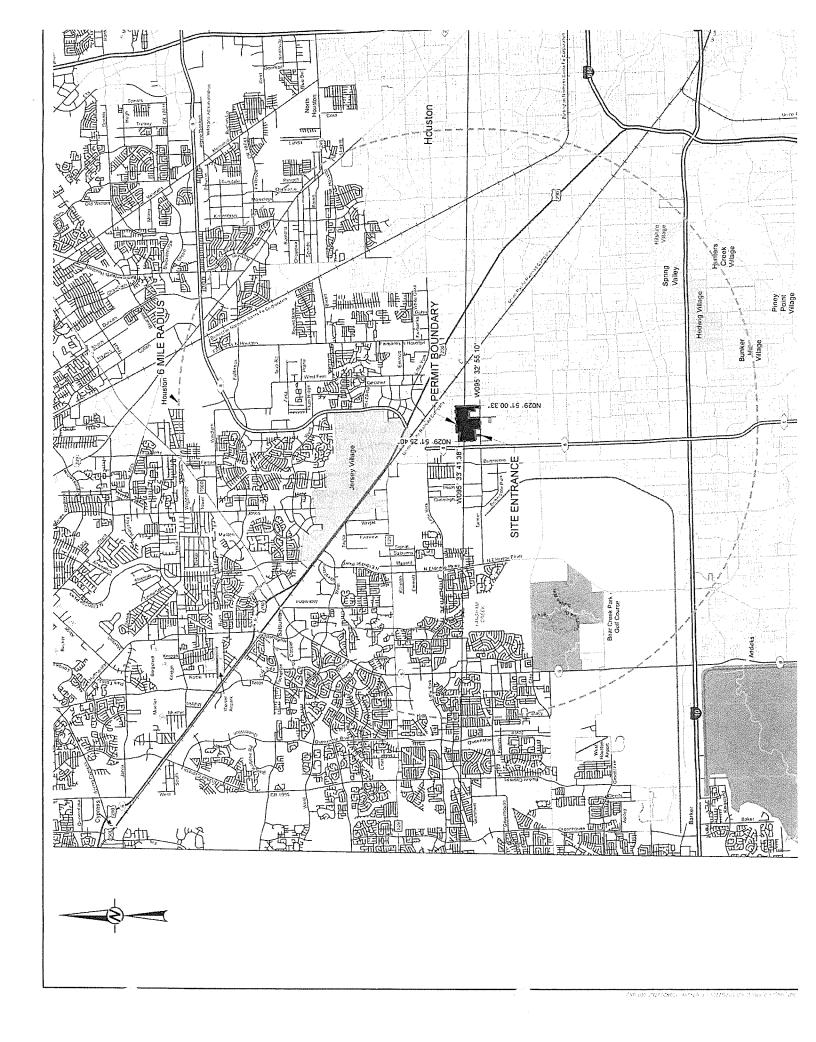
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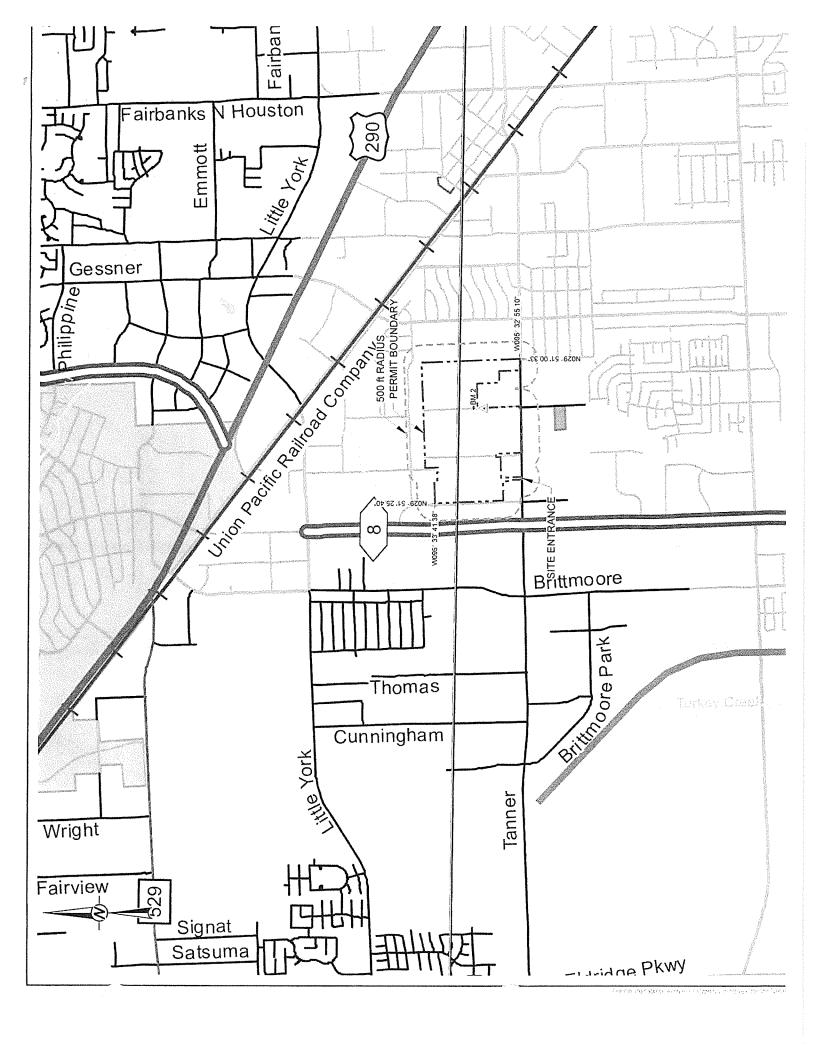
APPENDIX IA

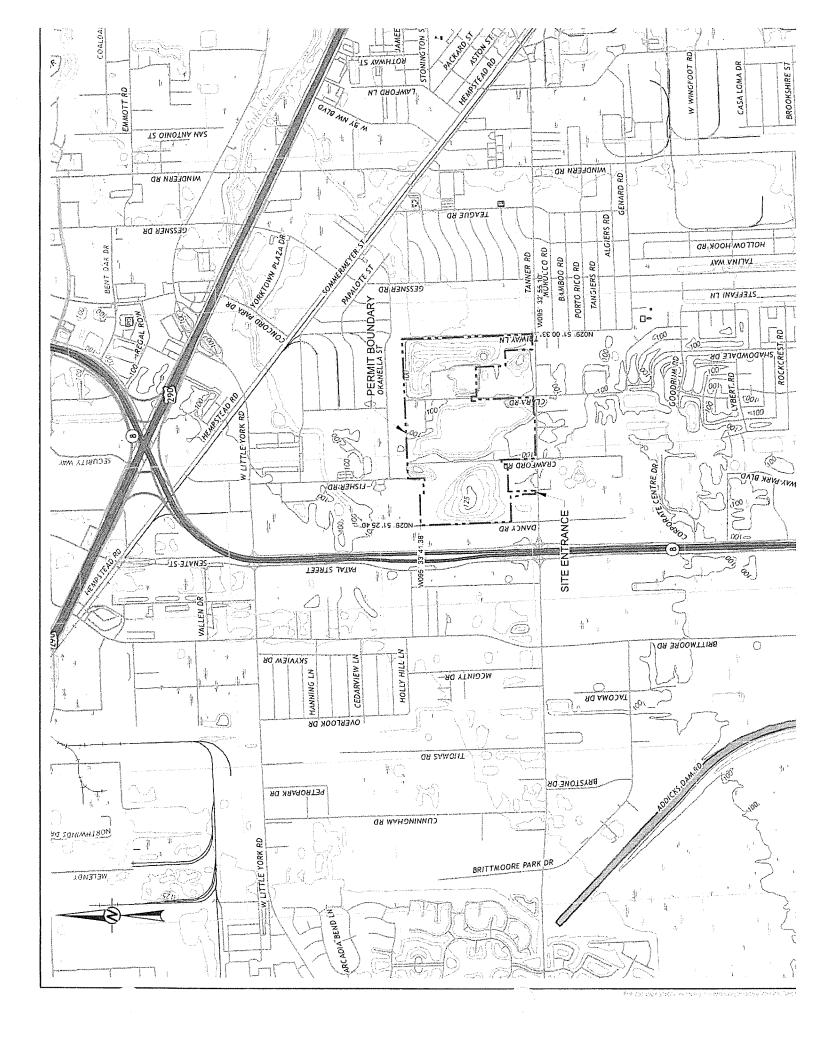
GENERAL LOCATION MAPS

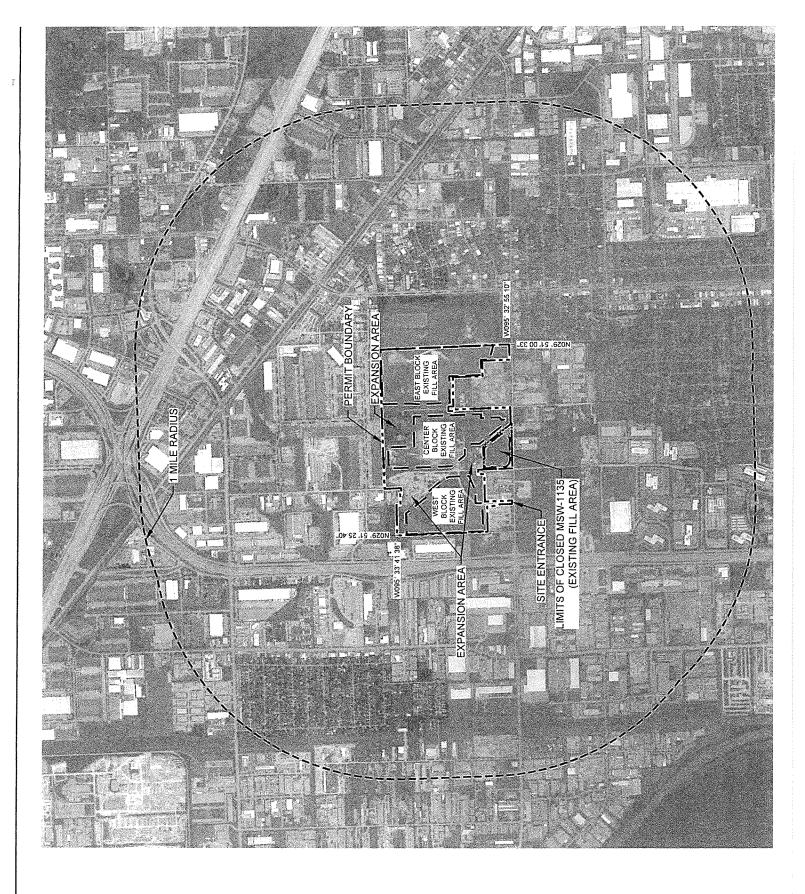
FIGURES

Figure I-A-1	General Highway Map
Figure I-A-2	Site Location Map
Figure I-A-3	General Topographic Map
Figure I-A-4	Aerial Photograph
Figure I-A-5	General Site Plan
Figure I-A-6	Permit History Map

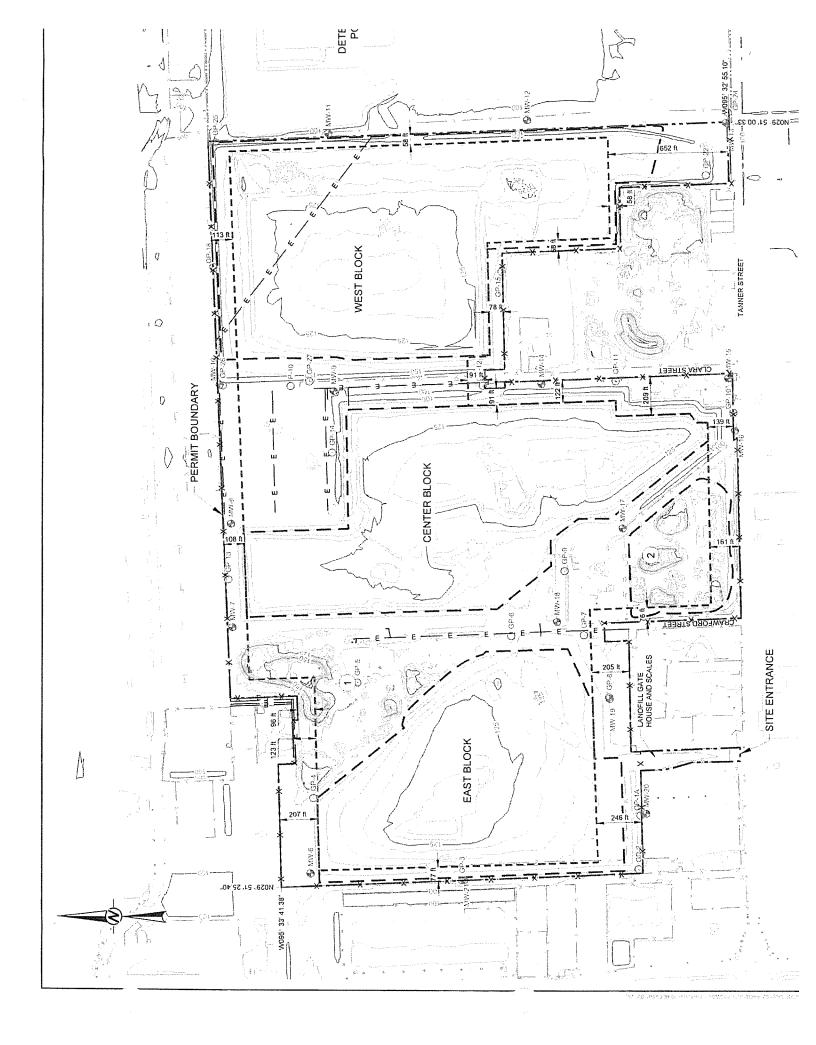


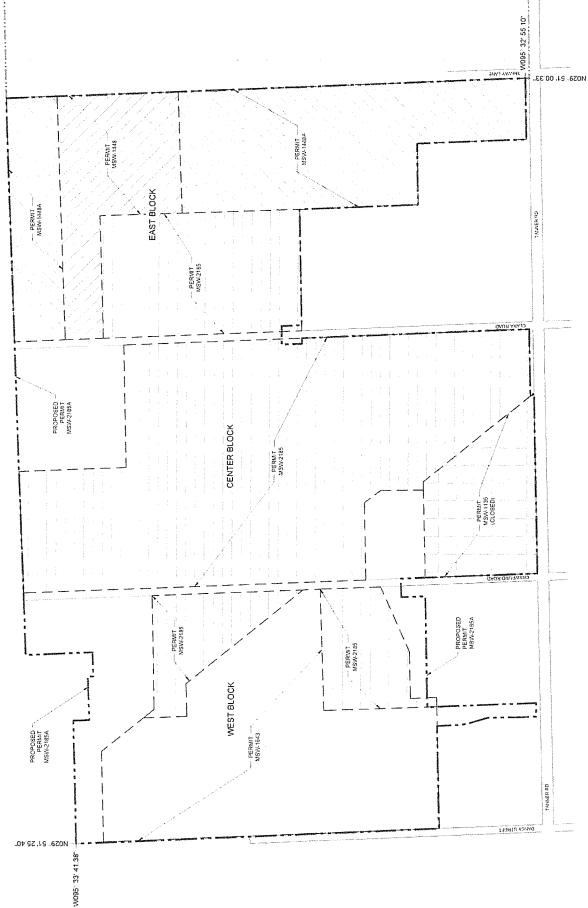














TCEQ Registration Form

June 28, 2022

USA Waste of Texas Landfills, Inc. Proposed Amendment to Municipal Solid Waste Permit Number 2185A

PLEASE PRINT
Name: Myra Jefferson Mailing Address: 5417 Gessner Rd. Ho. TX 7704
Mailing Address: 5417 Gessner Rd. Ho. TX 7704
Physical Address (if different):
City/State: HOUSTON Zip: MOUSTON
This information is subject to public disclosure under the Texas Public Information Act
Email: Myraajefferson & gmail Com
Phone Number: (281) 389-0237
• 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)

Formal Comments by Myra Jefferson Spoken in Opposition to Permit Number MSW-2185A, Hawthorn Park Recycling and Disposal Facility on June 28, 2022: Public Meeting

- 1. Don't Sell our Rights-of-Way: Who knew that the T.A.C. Title 30 @ 330:543 does not allow waste unloading, storage, disposal, or processing operations to occur within Rights-of-way that crosses a Facility? Who knew that the Rights of Way in Carverdale (Crawford Road and Clara Road) crosses the Facility and prevents the West, Center, and East Blocks of the landfill from connecting and expanding as proposed in MSW-2185A? Who knew? Waste Management knew; the TNRCC knew; the TCEQ knew; Harris County knew; and the City of Houston (COH) knew.
- 2. Nonetheless, as shown in the Permit and attached documentation, the City of Houston recently sold said Rights-of-Way to U.S.A. Waste of Texas Landfills, Inc., intentionally without notice to the residents of Carverdale, so that the West, Center, and East Blocks could be connected under MSW-2185A. And the Houston City Council unanimously approved the Rights-of-Way Sale without ethics, without conscience, and without notice to the residents of Carverdale, which constitutes a deficiency based on Title VI of the Civil Rights Act of 1964. 42 USC s. 2000d.
- 3. After the Rights-of-Way Sale, USA Waste applied to the TCEQ for a permit amendment that would extend the active life of the Hawthorn Park Landfill in Carverdale 46.5 more years in the future, by violating or eliminating the Rights-of-Way; connecting the West, Center, and East Blocks; and building a Disposal Facility or Mountain of Trash on top of the existing landfill waste; even though it could disturb the final cover and cause groundwater contamination which constitutes a deficiency based on T.A.C. Title 30 at 330:955 & 330:957.
- 4. In Texas one could argue that Covenants go with the land and that the covenants would prevent Waste Management from violating the Rights-of-Way. Regardless, if the City of Houston would not have sold the Rights-of-Way to USA Waste of Texas Landfills, Inc. then Waste Management could not have applied for a permit amendment that entails connecting the West, Center, and East Blocks and expanding the landfill into a permanent Mountain of Trash as described in MSW-2185A Draft Permit.
- 5. Based on 1.1 Permit History and Table I-1, it appears that Waste Management previously attempted to violate or eliminate the Rights-of-Way in 1995 under Permit No. MSW-2185, but was stopped by the TNRCC on 4/17/1995, which resulted in an amendment that reduced the acreage by 4.1 acres to remove the Rights-of-Way that Waste Management did not own under MSW-2185.
- 6. In addition, the Permit seeks to reactivate a closed landfill, Permit No. MSW-1135, which is not supposed to be reactivated, based on the attached May 1, 2000, letter from the TNRCC without a new permit, and MSW-2185A is not a new permit—it is an amendment, which constitutes a deficiency.
- 7. In conclusion, if the City of Houston would have notified Carverdale Residents of their malicious intent to sell our Rights-of-Way (which they did not) then we would have told the COH "Don't Sell our Right-of-Way." For these reasons and prior comments, I pray that the TCEQ will deny Permit Number MSW-2185A. Thank you.

May 1, 2000 Letter Texas Natural Resource Conservation Commission Robert J. Huston, *Chairman* R. B. "Ralph" Marquez, *Commissioner* John M. Baker, *Commissioner* Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

May 1, 2000

SANIFILL OF TEXAS, INC PO BOX 803828 HOUSTON, TEXAS 77280

Subject: Completion of Post-Closure Care Period and Permit Expiration, Permit No. 01135

Dear Landfill Permittee:

A recent research of the Texas Natural Resource Conservation Commission (TNRCC), Municipal Solid Waste central records reveal the subject municipal solid waste (MSW) facility has completed the post-closure care maintenance requirements established by rules in effect during the operational life of this site. Therefore, this site is eligible to exit the post-closure care maintenance period.

As this site has satisfied all post-closure care maintenance requirements, the permit for this facility has now expired by its own terms. No additional waste disposal activities may be conducted at this site unless they are authorized by a new MSW permit.

Your cooperation in maintaining this closed site is greatly appreciated. Any future maintenance problems that arise are the Permittee's responsibility to correct as soon as practical.

If you have any questions concerning this matter, please contact the Municipal Solid Waste Permits Section at 512/239-6724.

Sincerely,

Dorca Zaragoza-Stone, Manager

MSW Permits Section Waste Permits Division

DZS/lcs

Rights-of-Way Sale
Documentation

DEPOSIT TICKET DEPOSIT RECORD COPY

CHASE O JPMorgan Chase Bank, N.A. www.Chase.com

#15 900 £002 #1 DATE 12/21/2015 DOLLARS CENTS OHERS AND DARK METERSHAM THE REPORT RESERVED OF THE REVERSION OF THE IDEQUALS CONTROL OF THE VENT OFFICERS OF STREET CURRENCY COIN CITY OF HOUSTON
PWE PUBLIC WORKS
DEPOSIT ACCOUNT DEPT. #2000
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CITY OF HOUSTON CASH RECEIPT JOURNAL ENTRY

Signature Document Number

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Document Posted? Yes / No

Signature

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FORM JE/FI-02 June, 2006

RECEIPT CITY OF HOUSTON

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

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	Houston, Texas, December 28, 2016
Received of	Phillip R. Matthews 11
Received of	#3400.00
	Three thousand fruhundred 9/100 - Dollars
To Cover	5117-019
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FURNI LU-219-01	Fmployee's Signature Employee or Badge Number

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0068553 Hice AU #

11-24 1210(8) CASHIER'S CHECK

6855302131

mitter

PHILLIP R MATTHEWS II

erator I D u394434

December 27, 2016

AY TO THE ORDER OF

CITY OF HOUSTON

Three thousand four hundred dollars and no cents*

\$3.400.00

yee Address

SY17-019, AY17-241, AY17-242

ELLS FARGO BANK, N.A. 44 LOUETTA RD 'RING, TX 77379 IR INQUIRIES CALL (480) 394-3122 VOID IF OVER US \$ 3,400.00

#6855302131# #121000248#4861 512853#

DESCRIPTION: Abandonment and sale of Clara Road, from its northern terminus south ±1551 feet, Unnamed Road South, from Clara Road west to its terminus, and Crawford Road, from the southern property line of Lot 7, Block 4 north ±320 feet; and the nonacceptance of Unnamed Road North, from Clara Road west to its terminus; in exchange for conveyance to the City of rights-of-way for a cul-da-sac at the termini of Clara Road and Crawford, located within Clara Heights Addition and Independence Gardens Addition, out of the Washington County Railroad Company Survey, A-1185. (Phillip Reid Matthews II of Golder Associates on behalf of USA Waste of Texas Landfills Inc., Charles A. Rivette, Director of Planning and Project Development)

SY17-019, AY17-241, AND AY17-242 KIM JACKSON

GENERAL FUND \$3400.00

NON-REFUNDABLE DEPOSIT/APPRAISAL FEE

Sylvester Turner

Mayor

Dale A. Rudick, P.E. Director P.O. Box 1562 Houston, Texas 77251-1582

T. 832-395-2500 www.houstonbx.gov

December 7, 2016

Mr. Phillip Reid Matthews II Golder Associates 500 Century Plaza Drive, Suite 190 Houston, Texas 77073

Subject: Abandonment and sale of Clara Road, from its northern terminus south ±1551 feet, Unnamed Road South, from Clara Road west to its terminus, and Crawford Road, from the southern property line of Lot 7, Block 4 north ±320 feet; and the non-acceptance of Unnamed Road North, from Clara Road west to its terminus; in exchange for conveyance to the City of rights-of-way for and construction of a cul-dasac at the termini of Clara Road and Crawford Road, located within Clara Heights Addition and Independence Gardens Addition, out of the Washington County Railroad Company Survey, A-1185. Parcels SY17-019A, SY17-019B, SY17-019C, SY17-019D, AY17-241A, AY17-241B, AY17-242A, and AY17-242B

Dear Mr. Matthews:

The Joint Referral Committee (JRC) has reviewed and approved your request for the abandonment and sale of Clara Road, Crawford Road, and Unnamed Road South; and the nonacceptance of Belmore Street, in exchange for conveyance to the City of rights-of-way for a culda-sac at the termini of Clara Road and Crawford Road, subject to your completion of the requirements necessary to proceed with the transaction and final approval thereafter by City Council. We ask that you signify your acknowledgment and acceptance of these requirements by signing and returning to our office the attached "Acknowledgment and Acceptance Statement" (Attachment 1) within 10 business days from the date of this letter. You may also choose not to accept the requirements or proceed with the transaction.

Recent changes were enacted to Article VI of Chapter 2, Section 2-241 of the Code of Ordinances of the City of Houston, Texas that eliminated the need for a Council Motion for JRC abandonment requests. This letter is your notice of the requirements to proceed with the abandonment request. As you begin work on the requirements below, use this Contact Letter as needed for permits, plan and profile review or any other city process that requires evidence you are fulfilling the requirements to complete a JRC transaction.

Should you choose to proceed, you must complete these requirements within 30 days from the date of this letter. An extension may be granted based upon your written request stating the business need for the extension. The requirements to proceed with the transaction are listed below and should be pursued simultaneously. Processing one requirement at a time will prolong the time needed to complete this transaction.

1. You must submit a \$3,400.00 nonrefundable deposit by cashier's check payable to the City of Houston as follows:

Council Members: Brenda Stardig Jerry Davis Ellen R. Cohen Dwight A. Boykins Dave Martin Steve Le Greg Travis Karla Cisneros Robert Gellegos Mike Laster Larry V. Green Mike Knox David W. Robinson Michael Kubosh Amenda Edwards Jack Christie Controller: Chris Brown

Mr. Phillip Reid Matthews II Parcels SY17-019A, SY17-019B, SY17-019C, SY17-019D, AY17-241A, AY17-241B, AY17-242A, and AY17-242B December 7, 2016 Page 2

- (a) \$900.00, an amount representing the \$300.00 minimum fee required for the conveyance of a public land interest for each of the three abandonment parcels (3 x \$300.00 = \$900.00), and
- (b) \$2,500.00, an amount equal to the City's estimated appraisal fees.

Should the appraisal fees be greater than estimated, we will contact you about the additional required deposit amount. If the transaction is concluded, the deposit will be applied toward the consideration. Otherwise, the City will retain the deposit to cover its operating expenses.

 You must furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected properties. For parcel identification please refer to the Parcel Map (Attachment 2). For more information, please contact the Right of Way Section at (832) 395-2382 and/or refer to the attached survey instructions (Attachment 3).

Upon receipt of the required deposit as listed in Item 1 and the durable, reproducible (Mylar) survey plat and field notes of the affected property as listed in Item 2, we will request the appraisal. You should continue processing the other requirements enumerated in this letter while the appraisal is being completed.

- You must obtain a letter of no objection from each of the privately owned utility companies
 for the street being abandoned and sold. Please see the attached list of the privately owned
 utility companies (Attachment 4). A plat or clear description of the property should
 accompany your written request.
- 4. You must submit an original statement of ownership letter from an attorney at law. The letter must include a copy of the documents conveying title to the property owner. Attached is a sample letter (Attachment 5) to assist you in complying with this requirement. If there are liens on the abutting property to the conveyance parcels, the letter must disclose the lienholders and include copies of the lien instruments. Our Legal Department will prepare the conveyance deed, and, should it be necessary, subordination agreements for the lienholders to execute.
- 5. You must furnish the Department of Public Works and Engineering with proof that the remaining tenants of the Ponderosa Trailer Park have been vacated.
- You must submit business documents for the abutting property owner, USA Waste of Texas Landfills Inc, when conveying a property interest to the City. Please see the attached list of required business documents (Attachment 6).
- 7. You must separately permit the following street construction items:
 - (a) Design and construct a cul-de-sac to City standards (Attachment 7) at the new termini of Clara Road and Crawford Street.
 - (b) Eliminate the public street appearance of Clara Road from its northern terminus south to the proposed cul-de-sac, Crawford Road from its northern terminus south to the proposed cul-de-sac, and Unnamed Street South, from its western terminus east to Clara Road.

Mr. Phillip Reid Matthews II
Parcels SY17-019A, SY17-019B, SY17-019C, SY17-019D, AY17-241A, AY17-241B, AY17-242A, and AY17-242B
December 7, 2016
Page 3

(c) Install a dead end sign at the intersection of Tanner Road and Crawford Road.

(d) Remove any public traffic signs and poles and return to the COH Traffic Operations Division at 2200 Patterson Street, 77007, contact Wesley Deshotel, at (713) 803-3011 or (713) 803-3040.

The forgoing items must be completed at no cost to the City and under the proper permits obtained separately and exclusively from the Office of the City Engineer

For specific instructions concerning this requirement, you may contact Teofilo Rebagay of the Traffic Operations Division at (832) 395-3009.

- (e) Keep the Real Estate Branch informed of the activities undertaken to satisfy these requirements.
- (f) Provide Becky Ambridge with copies of the approved drawings and permits documenting the construction approvals and acceptance of the cui-de-sac by the City signed by the Office of the City Engineer.

Once the subject abandonment and conveyance parcels have been surveyed and appraised, an Offer Letter will be forwarded to you that will include the requirement to pay the balance of consideration and listing any outstanding items from the requirements above. Once you have completed the requirements listed in this letter and the Offer Letter, the Real Estate Branch will process a Request for Council Action (RCA) requesting City Council approval of an ordinance effecting the final abandonment and sale of the City's property interest.

Should you have any questions, please contact Kim Jackson, Real Estate Analyst, Real Estate Branch-Land Disposition, at (832) 395-3122.

Sincerely.

Nancy P. Collins

Senior Assistant Director-Real Estate
Planning and Development Services Division
Department of Public Works and Engineering

NPC:WSB:kj kj\jrc_files \sy17-019 clsc

bancut. Collins

7 Attachments

- 1. Acknowledgment and Acceptance Statement
- 2. Parcel Map
- 3. Survey Instructions
- 4. List of Privately Owned Utility Companies
- 5. Sample Statement of Ownership Letter
- 6. List of Business Documents
- 7. City Drawing 10-06-009
- c: Charles A. Rivette, USA Waste of Texas Landfills Inc. Lagnesh Varshney Shailesh Patel (CUIC 20 9709) Right-of-Way Section Teofilo Rebagay

Houston City Council Motion Regarding Rights-of-Way-Sale

MOTION NO. 2018 0468

MOTION by Council Member Cohen that the recommendation of the Director of Houston Public Works, reviewed and approved by the Joint Committee, on request from Phillip Reid Matthews, II, Golder Associates, 500 Century Plaza Drive, Suite 190. Houston, Texas, 77073, on behalf of USA Waste of Texas Landfills, Inc., 9821 Katy Freeway, Suite 700, Houston, Texas, 77024, (James A. Wilson, Vice President), that the City not accept the dedication of Unnamed Road North, from Clara Road west to its terminus, located within Clara Heights Addition and Independence Gardens Addition, out of the Washington County Railroad Company Survey, A-1185, Parcel SY17-057, be adopted, and the City Council hereby declines the acceptance of, rejects, and refuses the dedication of Unnamed Road North, from Clara Road west to its terminus, located within Clara Heights Addition and Independence Gardens Addition, out of the Washington County Railroad Company Survey, A-1185, Parcel SY17-057, inasmuch as the street has never been paved or provided any type of maintenance and the City has identified no future need for this street.

Seconded by Council Member Davis and carried.

Mayor Turner, Council Members Stardig, Davis, Cohen, Boykins, Martin, Le, Travis, Cisneros, Gallegos, Laster, Castex-Tatum, Knox, Robinson, Kubosh, Edwards and Christie voting aye Nays none

PASSED AND ADOPTED this 12th day of September, 2018.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is September 18, 2018.

Wyatussell
City Secretary

Being a 0.611 acre (26,604 sq. ft.) tract comprising all the street right-of-way that lies between Block 3 and 4 of the Clara Heights Subdivision (unrecorded), said subdivision comprised of Lot 17 and 18 of Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records) in the W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with cap "Martin Survey Assoc."
(N 13,875,616.14 E 3,060,872.50) found on the west right-of-way line of Clara
Street at the Northeast corner of that certain USA Waste of Texas Landfills Inc.
8.207 acre tract (2011197277 Official Public Records of Real Property of Harris
County Texas), the Northeast corner of Clara Heights subdivision and the Northeast
corner of Lot 18, Block 4 of Independence Gardens Additon.

Thence S 02°16'13" E along the west right-of-way line of Clara Street (40' ROW) a distance of 133.24 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" (N 13,875,483.01 E 3,060,877.79) set for the Southeast corner of Block 4, Clara Heights subdivision and the Northeast corner of this 0.611 acre tract and the POINT OF BEGINNING.

Thence S 02°16'13" E along the west right-of-way line of Clara Street a distance of 40.00 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Northeast corner of Block 3, Clara Heights subdivision and the Southeast corner of this 0.611 acre tract.

Thence S 88°46'05" W a distance of 665.10 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Northwest corner of Block 3, Clara Heights subdivision and the Southwest corner of this 0.611 acre tract.

Thence N 02°16'03" W along the west line of Clara Heights subdivision and the west line of Lot 18, Block 4 of Independence Gardens Addition a distance of 40.00 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Southwest corner of Block 4, Clara Heights subdivision and the Northwest corner of this 0.611 acre tract.

Thence N 88°46'05" E a distance of 665.10 feet to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 THRU 09/22/2016.

COORDINATE AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF-0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524 HPClaraheightsnorthrowCLOSING2016.DOC

CHECKED

DATE.

APPROVED.

I, ANNA RUSSELL, City Secretary of the City of Houston, Texas, do hereby certify that the within and foregoing is a true and correct copy of Motion No. 2018-468 passed and adopted by the City Council of said City on the 12th day of September, 2018, as the same appears in the records in my office.

WITNESS my hand and the Seal of said City this 21st day of September, 2018.



Anna Russell

City Secretary of the City of Houston

RP-2018-465637
Pages 4
10/11/2018 09:42 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$24.00

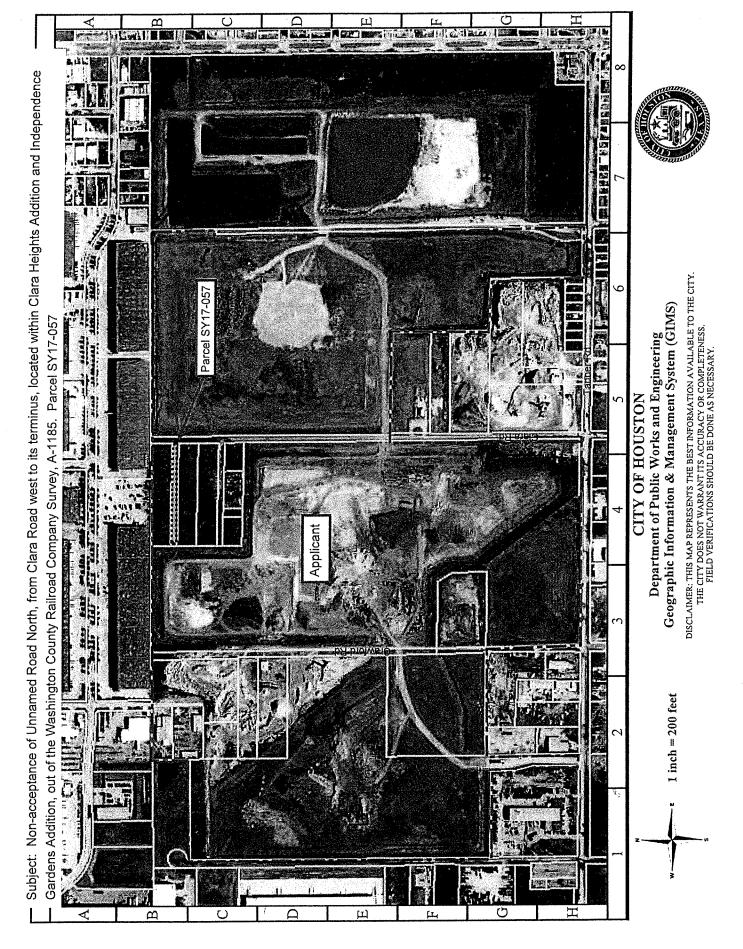
RECORDERS MEMORANDUM
This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

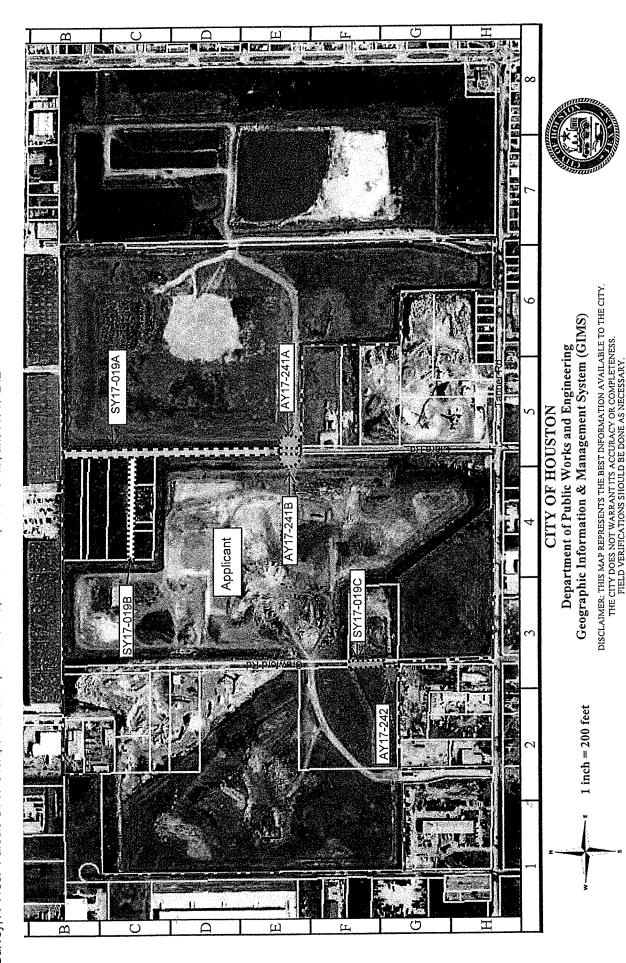
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.

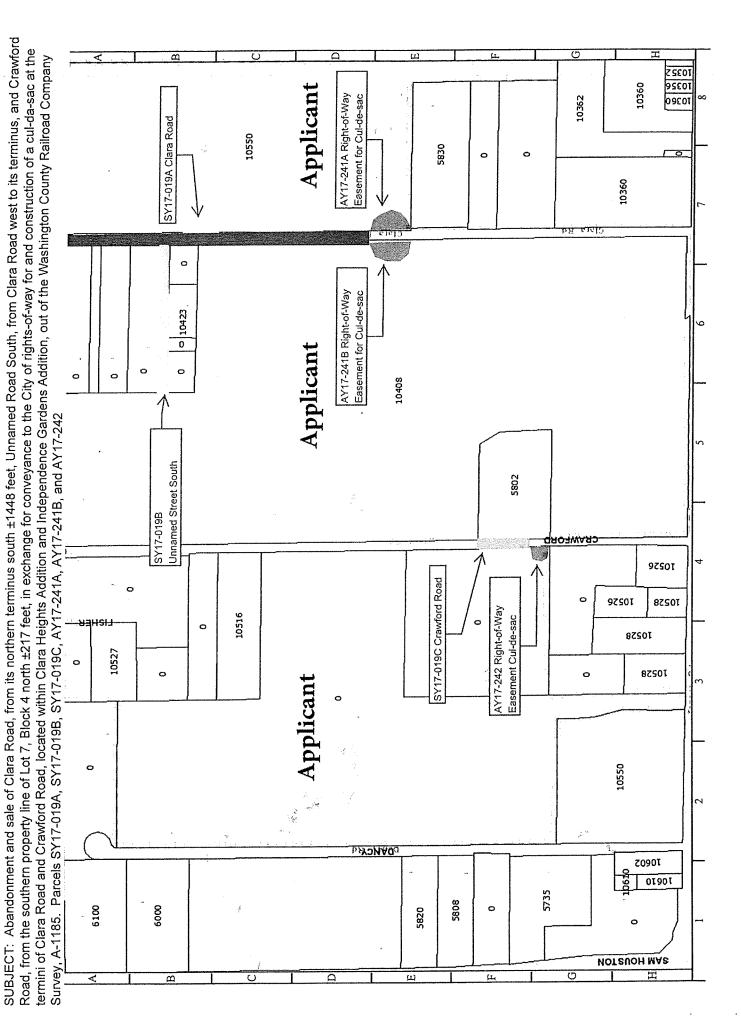
OF HARRIS COUNTY

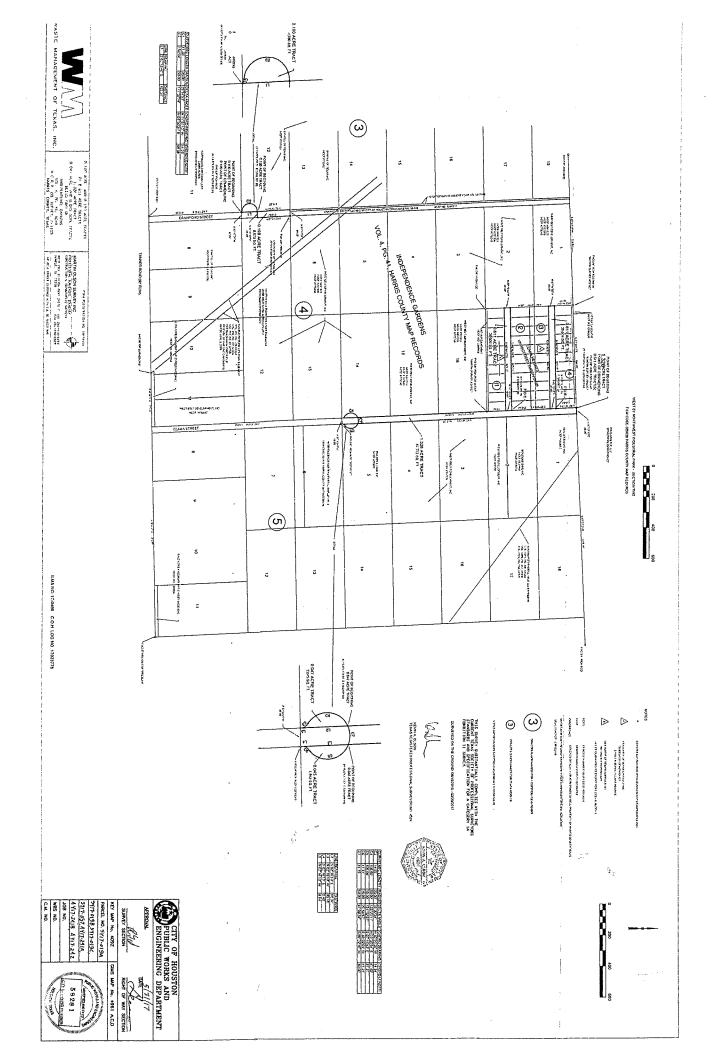
COUNTY CLERK HARRIS COUNTY, TEXAS



SUBJECT: Abandonment and sale of Clara Road, from its northern terminus south ±1448 feet, Unnamed Road South, from Clara Road west to its terminus, and Crawford Road, from the southern property line of Lot 7, Block 4 north ±217 feet, in exchange for conveyance to the City of rights-of-way for and construction of a cul-da-sac at the termini of Clara Road and Crawford Road, located within Clara Heights Addition and Independence Gardens Addition, out of the Washington County Railroad Company Survey, A-1185. Parcels SY17-019A, SY17-019B, SY17-019C, AY17-241A, AY17-241B, and AY17-242







EASEMENT CONVEYANCE

STATE OF TEXAS

§

COUNTY OF HARRIS

8

GRANTOR:

USA Waste of Texas Landfills, Inc., a Delaware Corporation

GRANTOR'S MAILING ADDRESS:

1001 Fannin, Suite 4000 Houston, Texas 77002

GRANTEE:

CITY OF HOUSTON, a municipal corporation situated in Harris, Fort Bend and Montgomery Counties, Texas.

GRANTEE'S MAILING ADDRESS:

P. O. Box 1562 Houston, TX 77251

CONSIDERATION:

Ten and No/100 (\$10.00) and other good and valuable consideration.

PROPERTY:

A permanent and perpetual 0.045 acre (1,943 square foot) right of way easement (the "Easement"), situated in the W.C.R.R. Co. Survey, Abstract No. 1185, Houston, Harris County, Texas, being a portion of Lot 5, Block 5 in the Independence Gardens Addition, recoded under Vol. 4, pg. 41 of the Harris County Map Records, (H.C.M.R.), and being more particularly described by metes and bounds on **Exhibit "A,"** attached hereto and made a part hereof (the "Property").

This conveyance of Easement is made subject to all restrictions, covenants, conditions, rights-of-way, easements, mineral reservations and royalty reservations of record, if any, in the office of the County Clerk of Harris County, Texas, but only to the extent that the same are valid and subsisting, are binding upon municipalities, and affect the Property.

Grantee shall have such access across, along, under and upon the Property, and may enter upon such Property to engage in such activities as may be necessary, requisite, convenient or appropriate in connection therewith. Grantee's rights in and to the Property shall include, without limitation, the right to clear and remove trees, growth and shrubbery from within the Easement, and the right to bring and operate such equipment thereupon as may be necessary or appropriate to effectuate the purposes for which this Easement is granted.

Grantor, for the Consideration, grants, sells and conveys to Grantee the Easement in and to the Property, together with, all and singular, the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend, all and singular, the Easement in and to the Property to Grantee and Grantee's successors or assigns against every person whosoever lawfully claiming or to claim the same or any part thereof, except as to the exceptions to conveyance and warranty set forth above, by, through or under Grantor, but not otherwise.

	USA Waste of Texas Landfills, Inc., a Delaware corporation
·	By: Name: James A. Wilson Title: Vice President
STATE OF TEXAS §	
STATE OF TEXAS § COUNTY OF HARRIS §	
, 2018, by Jan	wledged before me on the day of es A. Wilson, Vice President of USA Waste of rporation, on behalf of said entity.
, ,	
, ,	Notary Public, State of Texas
(Notary Seal)	Notary Public, State of Texas
	Notary Public, State of Texas

EXHIBIT "A" EASEMENT AREA

Exhibit "A"

Being a 0.045 acre (1,943 sq. ft.) tract comprising part of Lot 5, Block 5 in the Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records) in the W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with cap "Martin Survey Assoc."
(N 13,875,616.14 E 3,060,872.50) found on the west right-of-way line of Clara Street at the Northeast corner of that certain USA Waste of Texas Landfills Inc. 8.207 acre tract (20110197277 Official Public Records of Real Property of Harris County Texas) and the Northeast corner of Lot 18, Block 4 of Independence Gardens Additon.

Thence N 87°37'29" E along the North boundary line of said Independence Gardens Addition a distance of 40.00 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Northwest corner of Lot 1, Block 5, Independence Gardens Addition and from which a 3/4" iron rod found for the Southeast corner of West by Northwest Industrial Park - Section 2 (Film Code 385038 Harris County Map Records) bears N 87°37'29" E - 1499.36'.

Thence S 02°16'13" E along the East right-of-way line of Clara Street a distance of 1447.36 feet to a a 5/8 inch iron rod with aluminum cap "RPLS 4524" (N 13,874,171.57 E 3,060,969.81) set for the North corner of this 0.045 acre tract and the POINT OF BEGINNING.

Thence in a Southerly direction, following a curve to the right, having a central angle of 121°32'27", a radius of 50.00 feet, a long chord of S 07°16'43" E - 87.27', for a arc length of 106.06 feet to a 5/8 inch iron rod with aluminum cap. "RPLS 4524" set for a point of reverse curve.

Thence in a Southwesterly direction, following a curve to the left, having a central angle of 25°54'57", a radius of 25.00 feet, a long chord of S 40°32'02" W - 11.21', for a arc length of 11.31 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the South corner of this 0.045 acre tract and from which a 5/8" iron rod (top bent) found for the Southwest corner of Lot 5, Block 5 bears S 02°16'13" E - 9.40'.

Thence N 02°16'13" W along the East right-of-way line of Clara Street a distance of 95.16' to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 THRU 03/29/2017.

COORDINATE AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF - 0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524

HPClara 0.045ac.DOC

KEVIN A. OLSON P.

CHECKED(

DATE

APPROVED.

EXHIBIT "H" EASEMENT CONVEYANCE DOCUMENT [Parcel AY17-241B]

Exhibit "H"

Parcel AY17-241B

EASEMENT CONVEYANCE

STATE OF TEXAS

§

COUNTY OF HARRIS

8

GRANTOR:

USA Waste of Texas Landfills, Inc., a Delaware Corporation

GRANTOR'S MAILING ADDRESS:

1001 Fannin, Suite 4000 Houston, Texas 77002

GRANTEE:

CITY OF HOUSTON, a municipal corporation situated in Harris, Fort Bend and Montgomery Counties, Texas.

GRANTEE'S MAILING ADDRESS:

P. O. Box 1562 Houston, TX 77251

CONSIDERATION:

Ten and No/100 (\$10.00) and other good and valuable consideration.

PROPERTY:

A permanent and perpetual 0.047 acre (2,045 square foot) right of way easement (the "Easement"), situated in the W.C.R.R. Co. Survey, Abstract No. 1185, Houston, Harris County, Texas, being a portion of Lot 14, Block 4 in the Independence Gardens Addition, recoded under Vol. 4, pg. 41 of the Harris County Map Records, (H.C.M.R.), and being more particularly described by metes and bounds on **Exhibit "A,"** attached hereto and made a part hereof (the "Property").

This conveyance of Easement is made subject to all restrictions, covenants, conditions, rights-of-way, easements, mineral reservations and royalty reservations of record, if any, in the office of the County Clerk of Harris County, Texas, but only to the extent that the same are valid and subsisting, are binding upon municipalities, and affect the Property.

Grantee shall have such access across, along, under and upon the Property, and may enter upon such Property to engage in such activities as may be necessary, requisite, convenient or appropriate in connection therewith. Grantee's rights in and to the Property shall include, without limitation, the right to clear and remove trees, growth and shrubbery from within the Easement, and the right to bring and operate such equipment thereupon as may be necessary or appropriate to effectuate the purposes for which this Easement is granted.

Grantor, for the Consideration, grants, sells and conveys to Grantee the Easement in and to the Property, together with, all and singular, the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend, all and singular, the Easement in and to the Property to Grantee and Grantee's successors or assigns against every person whosoever lawfully claiming or to claim the same or any part thereof, except as to the exceptions to conveyance and warranty set forth above, by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, thes day of, 2	e presents have been executed by Grantor to this 018.
	USA Waste of Texas Landfills Inc., a Delaware corporation
	By: Name: James A. Wilson Title: Vice President
STATE OF TEXAS §	
STATE OF TEXAS § COUNTY OF HARRIS §	•
This instrument was acknow, 2018, by Jame Texas Landfills, Inc., a Delaware cor	vledged before me on the day or s A. Wilson, Vice President of USA Waste or poration, on behalf of said entity.
	Notary Public, State of Texas
(Notary Seal)	
Approved as to Form:	
Holland Samantha Banks Assistant City Attorney	

EXHIBIT "A" EASEMENT AREA

Exhibit "A"

Being a 0.047 acre (2,045 sq. ft.) tract comprising part of Lot 14, Block 4 in the Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records) in the W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with cap "Martin Survey Assoc." (N 13,875,616.14 E 3,060,872.50) found on the west right-of-way line of Clara Street at the Northeast corner of that certain USA Waste of Texas Landfills Inc. 8.207 acre tract (20110197277 Official Public Records of Real Property of Harris County Texas) and the Northeast corner of Lot 18, Block 4 of Independence Gardens Additon.

Thence S 02°16'13" E along the West right-of-way line of Clara Street a distance of 1446.84 feet to a a 5/8 inch iron rod with aluminum cap "RPLS 4524" (N 13,874,170.58 E 3,060,929.94) set for the North corner of this 0.047 acre tract and the POINT OF BEGINNING.

Thence S 02°16'13"E along west right-of-way line of Clara Street a distance of 98.37 to a 5/8" iron rod with cap "RPLS 4524" set for the Southerly corner of this 0.047 acre tract and from which a 5/8" iron rod with cap "RPLS 4524" set for the Northeast corner of Lot 13 and Southeast corner of Lot 14 bears S 02°16'13"E -6.64'.

Thence in a Northwesterly direction, following a curve to the left, having a central angle of 33°20'34", a radius of 25.00', a chord of N 40°55'25"W -14.34', for a arc length of 14.55' to a 5/8" iron rod with cap "RPLS 4524" set for point of reverse curve.

Thence in a Northerly direction, following a curve to the right, having a central angle of 122°23'11", a radius of 50.00', a chord of N 03°35'54"E - 87.62', for a arc length of 106.80' to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 THRU 03/29/2017.

COORDINATES AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF - 0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524

HPClara 0.047 ac.DOC

PARCEL NO PROJ NO _ DWG NO:

CHECKED DATE APPROVED

EASEMENT CONVEYANCE

STATE OF TEXAS

Ş

COUNTY OF HARRIS

96

GRANTOR:

USA Waste of Texas Landfills, Inc., a Delaware Corporation

GRANTOR'S MAILING ADDRESS:

1001 Fannin, Suite 4000 Houston, Texas 77002

GRANTEE:

CITY OF HOUSTON, a municipal corporation situated in Harris, Fort Bend and Montgomery Counties, Texas.

GRANTEE'S MAILING ADDRESS:

P. O. Box 1562 Houston, TX 77251

CONSIDERATION:

Ten and No/100 (\$10.00) and other good and valuable consideration.

PROPERTY:

A permanent and perpetual 0.100 acre (4,360 square foot) right of way easement (the "Easement"), situated in the W.C.R.R. Co. Survey, Abstract No. 1185, Houston, Harris County, Texas, being a portion of Lot 12, Block 3 in the Independence Gardens Addition, recoded under Vol. 4, pg. 41 of the Harris County Map Records, (H.C.M.R.), and being more particularly described by metes and bounds on **Exhibit "A,"** attached hereto and made a part hereof (the "Property").

This conveyance of Easement is made subject to all restrictions, covenants, conditions, rights-of-way, easements, mineral reservations and royalty reservations of record, if any, in the office of the County Clerk of Harris County, Texas, but only to the extent that the same are valid and subsisting, are binding upon municipalities, and affect the Property.

Grantee shall have such access across, along, under and upon the Property, and may enter upon such Property to engage in such activities as may be necessary, requisite, convenient or appropriate in connection therewith. Grantee's rights in and to the Property shall include, without limitation, the right to clear and remove trees, growth and shrubbery from within the Easement, and the right to bring and operate such equipment thereupon as may be necessary or appropriate to effectuate the purposes for which this Easement is granted.

Grantor, for the Consideration, grants, sells and conveys to Grantee the Easement in and to the Property, together with, all and singular, the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend, all and singular, the Easement in and to the Property to Grantee and Grantee's successors or assigns against every person whosoever lawfully claiming or to claim the same or any part thereof, except as to the exceptions to conveyance and warranty set forth above, by, through or under Grantor, but not otherwise.

IN WITNESS WHEI		s have been exe	cuted by Grantor to this
			te of Texas Landfills aware corporation
		By: Name: Title:	James A. Wilson Vice President
STATE OF TEXAS	§.		
COUNTY OF HARRIS	<i>6</i> <i>6</i>	•	
This instrument w , 2018 Texas Landfills, Inc., a De		son, Vice Presid	lent of USA Waste o f
	Notary	Public, State of 1	
(Notary Seal)			
Approved as to Form:			
Holland Samantha Banks Assistant City Attorney			

EXHIBIT "A" EASEMENT AREA

Exhibit "A"

Being a 0.100 acre (4,360 sq. ft.) tract comprising part of Lot 12, Block 3 Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records); W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod (N 13,873,394.99 E 3,059,592.89) found on the west right-of-way line of Crawford Road at the Northeast corner of Lot 11 and the Southeast corner of Lot 12, Block 3 and from which a 1/2" iron rod found at the Southeast corner of Lot 11 in the the north right-of-way line of Tanner Road (60' ROW) at its intersection with the west right-of-way line of Crawford Road bears S $02^{\circ}12'40"$ E -612.18'.

Thence in a Westerly direction, following a curve to the left, having a central angle of 25°57'53", a radius of 25.00', a long chord of N 71°57'12" W - 11.23' and a arc length of 11.33 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for a point of reverse curve.

Thence in a Northerly direction, following a curve to the right, having a central angle of 177°32'59", a radius of 50.00 feet, a long chord of N 03°50'21" E - 99.98' and a arc length of 154.94' to a 5/8 inch iron rod with aluminum cap "RPLS'4524" set for the North corner of this 0.100 acre tract.

Thence S 02°12'40" E along the west right-of-way line of Crawford Street a distance of 103.31 feet to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 thru 03/29/2017

COORDINATE AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF - 0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524 HPCRAWFORDCLOSING2016 0.100AC.DQC

PARCEL NO 4717-242

PROJ NO 58381

CHECKED_

DATE _____

APPROVED_

I, ANNA RUSSELL, City Secretary of the City of Houston, Texas, do hereby certify that the within and foregoing is a true and correct copy of Ordinance 2018-715 passed and adopted by the City Council of said City on the 12th day of September, 2018, as the same appears in the records in my office.

WITNESS my hand and the Seal of said City this 21st day of September, 2018.

Anna Russell

City Secretary of the City of Houston

RP-2018-463790
Pages 31
10/10/2018 09:29 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$132.00

RECORDERS MEMORANDUM
This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law. THE STATE OF TEXAS COUNTY OF HARIS I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.

OF HARRIS COUNTY

COUNTY CLERK HARRIS COUNTY, TEXAS City of Houston, Texas, Ordinance No. 2018-7/5

AN ORDINANCE FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED USE OF CLARA ROAD.A/K/A CLARA STREET, FROM ITS NORTHERN TERMINUS SOUTH ± 1448 FEET, UNNAMED ROAD SOUTH, FROM CLARA ROAD, A/K/A CLARA STREET, WEST TO ITS TERMINUS, AND CRAWFORD ROAD, A/K/A CRAWFORD STREET, FROM THE NORTHERN PROPERTY LINE OF LOT 7, BLOCK 4, SOUTH ± 217 FEET, LOCATED IN THE CLARA HEIGHTS SUBDIVISION AND INDEPENDENCE GARDENS ADDITION, AND BEING OUT OF THE W.C.R.R. CO. SURVEY, ABSTRACT NO. 1185, HARRIS COUNTY, TEXAS; ABANDONING SUCH STREETS TO USA WASTE OF TEXAS LANDFILLS, INC., THE ABUTTING OWNER, IN CONSIDERATION OF ITS PAYMENT TO THE CITY OF \$188,632.00, CONVEYANCE TO THE CITY OF THREE RIGHT OF WAY EASEMENTS FOR CONSTRUCTION OF CUL-DE-SACS AT THE TERMINI OF CLARA ROAD, A/K/A CLARA STREET, AND CRAWFORD ROAD, A/K/A CRAWFORD STREET, ALSO LOCATED WITHIN THE INDEPENDENCE GARDENS ADDITION, AND OTHER GOOD AND VALUABLE CONSIDERATION; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND **DECLARING AN EMERGENCY.**

WHEREAS, USA WASTE OF TEXAS LANDFILLS, INC., a corporation incorporated under the laws of Delaware, (the "Owner") has requested that the CITY OF HOUSTON, TEXAS, a municipal corporation situated in Harris, Fort Bend, and Montgomery Counties, Texas (the "City") abandon Clara Road, a/k/a Clara Street, from its northern terminus south ± 1448 feet, Unnamed Road South, from Clara Road, a/k/a Clara Street, west to its terminus, and Crawford Road, a/k/a Crawford Street, from the northern property line of Lot 7, Block 4, south ± 217 feet, located in the Clara Heights Subdivision and the Independence Gardens Addition, and being out of the W.C.R.R. Co. Survey, Abstract No. 1185, Houston, Harris County, Texas; and

WHEREAS, the Joint Referral Committee of the City has reviewed and approved the Owner's request, and the Director of Houston Public Works has recommended that the streets be abandoned; and

WHEREAS, the streets to be abandoned have been appraised by an independent appraiser, whose written appraisal report is available to City Council and has been taken into consideration in determining the action herein taken; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the City Council of the City of Houston, Texas, finds and determines that public convenience and necessity no longer require the continued use of Clara Road, a/k/a Clara Street, from its northern terminus south ± 1448 feet, Unnamed Road South, from Clara Road, a/k/a Clara Street, west to its terminus, and Crawford Road, a/k/a Crawford Street, from the northern property line of Lot 7, Block 4, south ± 217 feet, consisting of Parcels SY17-019A, SY17-019B, and SY17-019C. The parcels are located in the Clara Heights Subdivision and the Independence Gardens Addition, are out of the W.C.R.R. Co. Survey, Abstract No. 1185, Houston, Harris County, Texas, and are more particularly described by metes and bounds on **EXHIBIT "A"** through **EXHIBIT "C**," attached hereto. The streets are hereby abandoned to the Owner.

Section 2. That the City Council hereby quitclaims, to the Owner, the City's entire right, title, interest, claim and demand in and to Parcels SY17-019A, SY17-019B, and SY17-019C, and said parcels are hereby sold to the Owner in consideration of its payment to the City of \$188,632.00, conveyance to the City of three right of way easements for construction of cul-de-sacs at the termini of Clara Road, a/k/a Clara Street, and Crawford Road, a/k/a Crawford Street, (Parcels AY17-241A, AY17-241B, and AY17-242), located in the Independence Gardens Addition, being out of the W.C.R.R. Co. Survey, Abstract No. 1185, and being more particularly described by metes and bounds on **EXHIBIT "D"** through **EXHIBIT "F,"** attached hereto, and other good and valuable consideration.

Section 3. That the conveyance of the easements to the City shall be effected by an easement conveyance substantially in the form of the Easement Conveyance documents attached hereto as **EXHIBIT "G"** through **EXHIBIT "I"** and made a part hereof, with such changes as may be approved by the City Attorney or his designees.

Section 4. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five (5) days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Charter of the City of Houston, Texas.

PASSED AND ADOPTED this 2th day of September	_, 2018.
APPROVED this day of	, 2018.
	•
Mayor of the City of Houston	
Pursuant to Article VI, Section 6, Charter of the City of Houston, effective date of the foregoing Ordinance is SEP 1 8 2018	Texas, the
City Secretary (Prepared by Legal Dept. Holland 8. Banks Assistant City Attorney (Prepared by Carol E. Haddock, P.E. Director, Houston Public Works, City of the Control	of Llouaton \

AYE	NO	
✓		MAYOR TURNER
••••		COUNCIL MEMBERS
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/		BOYKINS
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V		ROBINSON
		KUBOSH
V		EDWARDS
		CHRISTIE
CAPTION	ADOPTED	
		Rev. 5/

EXHIBIT "A" [Parcel SY17-019A]

Exhibit "A"

Being a 1.326 acre (57,772 sq. ft.) tract comprising part of Clara Street (40' ROW) in the Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records) in the W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with cap "Martin Survey Assoc."
(N 13,875,616.14 E 3,060,872.50) found on the west right-of-way line of Clara Street at the Northeast corner of that certain USA Waste of Texas Landfills Inc. 8.207 acre tract (20110197277 Official Public Records of Real Property of Harris County Texas) and the Northeast corner of Lot 18, Block 4 of Independence Gardens Addition.

Thence N 87°37'29" E along the North boundary line of said Independence Gardens Addition a distance of 40.00 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Northeast corner of this 1.326 acre tract, the Northwest corner of Lot 1, Block 5, Independence Gardens Addition and from which a 3/4" iron rod found for the Southeast corner of West by Northwest Industrial Park — Section 2 (Film Code 385038 Harris County Map Records) bears N 87°37'29" E - 1499.36'.

Thence S 02°16'13" E along the East right-of-way line of Clara Street a distance of 1447.36 feet to a a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Southeast corner of this 1.326 acre tract and from which a 5/8" iron rod (top bent) found for the Southwest corner of Lot 5, Block 5 bears S 02°16'13" E - 104.56'.

Thence in a Westerly direction, following a curve to the left, having a central angle of $47^{\circ}09'34''$, a radius of 50.00 feet, a long chord of S $88^{\circ}22'16''$ W ~ 40.00', for a arc length of 41.15 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524'' set for the Southwest corner of this 1.326 acre tract.

Thence N 02°16'13" W along the west right-of-way line of Clara Street a distance of 1446.84' to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 THRU 03/29/2017.

COORDINATE AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF - 0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524 HPClaraclosing2016 1.326.DOC

CHECKED

DATE.

APPROVED

EXHIBIT "B" [Parcel SY17-019B]

Exhibit "B"

Being a 0.611 acre (26,606 sq. ft.) tract comprising all the street right-of-way that lies between Block 1 and 2 of the Clara Heights Subdivision (unrecorded), said subdivision comprised of Lot 17 and 18 of Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records) in the W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with cap "Martin Survey Assoc."
(N 13,875,616.14 E 3,060,872.50) found on the west right-of-way line of Clara
Street at the Northeast corner of that certain USA Waste of Texas Landfills Inc.
8.207 acre tract (2011197277 Official Public Records of Real Property of Harris
County Texas), the Northeast corner of Clara Heights subdivision and the Northeast
corner of Lot 18, Block 4 of Independence Gardens Additon.

Thence S 02°16'13" E along the west right-of-way line of Clara Street (40' ROW) passing at 133.24 feet a 5/8 inch iron rod with aluminum cap "RPLS 4524" found on line; passing at 173.24 feet a 5/8 inch iron rod with aluminum cap "RPLS 4524" found on line; for a total distance of 423.28 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" (N 13,875,193.23 E 3,060,889.30) set the Southeast corner of Block 2, Clara Heights subdivision and the Northeast corner of this 0.611 acre tract and the POINT OF BEGINNING.

Thence S 02°16'13" E along the west right-of-way line of Clara Street a distance of 40.00 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Northeast corner of Block 1, Clara Heights subdivision and the Southeast corner of this 0.611 acre tract.

Thence S 88°46'05" W a distance of 665.14 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Northwest corner of Block 1, Clara Heights subdivision and the Southwest corner of this 0.611 acre tract.

Thence N 02°16'03" W along the west line of Clara Heights subdivision and the west line of Lot 17, Block 4 of Independence Gardens Addition a distance of 40.00 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Southwest corner of Block 2, Clara Heights subdivision and the Northwest corner of this 0.611 acre tract.

Thence N 88°46'05" E a distance of 665.14 feet to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 THRU 09/22/2016

COORDINATE AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF - 0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899

FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524

HPClaraclosing2016 1.326.DOC

DWGNO 5878/

CHECKED

DATE

EXHIBIT "C" [Parcel SY17-019C]

Exhibit "C"

Being a 0.199 acre (8,673 sq. ft.) tract comprising part of Crawford Street (40' ROW) between Lot 12, Block 3 and Lot 7, Block 4, Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records), W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod (N 13,873,394.99 E 3,059,592.89) found on the west right-of-way line of Crawford Road at the Northeast corner of Lot 11 and the Southeast corner of Lot 12, Block 3 and from which a 1/2" iron rod found at the Southeast corner of Lot 11 in the the north right-of-way line of Tanner Road (60' ROW) at its intersection with the west right-of-way line of Crawford Road bears S 02°12'40" E - 612.18'.

Thence N 02°12'40" W along the west right-of-way line of Crawford Street a distance of 103.31 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" (N 13,873,498.21 E 3,059,588.90) set for the Southwest corner of this 0.199 acretract and the POINT OF BEGINNING.

Thence N 02°12'40" W along the west right-of-way line of Crawford Street a distance of 216.83 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Northeast corner of Lot 12 and the Northwest corner of this 0.199 acre tract.

Thence N $87^{\circ}47'20''$ E along the South line of that certain 1.827 acre abandonment parcel closed by the City of Houston Ordinance No. 98-298 (Harris County Clerk's File No. T046217) a distance of 40.00 feet to a 5/8'' iron rod found for the Northwest corner of Lot 7, Block 4 and the Northeast corner of this 0.199 acre tract.

Thence S $02^{\circ}12'40''$ E along the east right-of-way line of Crawford Street a distance of 216.83 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524'' set for the Southeast corner of this 0.199 acre tract.

Thence S 87°47'20"W a distance of 40.00 feet to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 thru 03/29/2017

COORDINATE AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF - 0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524 HPCRAWFORDCLOSING2016 0.199AC.DOC

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EXHIBIT "D" [Parcel AY17-241A]

Exhibit "D"

Being a 0.045 acre (1,943 sq. ft.) tract comprising part of Lot 5, Block 5 in the Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records) in the W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with cap "Martin Survey Assoc."
(N 13,875,616.14 E 3,060,872.50) found on the west right-of-way line of Clara
Street at the Northeast corner of that certain USA Waste of Texas Landfills Inc.
8.207 acre tract (20110197277 Official Public Records of Real Property of Harris
County Texas) and the Northeast corner of Lot 18, Block 4 of Independence Gardens
Addition.

Thence N 87°37'29" E along the North boundary line of said Independence Gardens Addition a distance of 40.00 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Northwest corner of Lot 1, Block 5, Independence Gardens Addition and from which a 3/4" iron rod found for the Southeast corner of West by Northwest Industrial Park - Section 2 (Film Code 385038 Harris County Map Records) bears N 87°37'29" E - 1499.36'.

Thence S 02°16'13" E along the East right-of-way line of Clara Street a distance of 1447.36 feet to a a 5/8 inch iron rod with aluminum cap "RPLS 4524" (N 13,874,171.57 E 3,060,969.81) set for the North corner of this 0.045 acre tract and the POINT OF BEGINNING.

Thence in a Southerly direction, following a curve to the right, having a central angle of $121^{\circ}32^{\circ}27^{\circ}$, a radius of 50.00 feet, a long chord of S $07^{\circ}16^{\circ}43^{\circ}$ E - . 87.27', for a arc length of 106.06 feet to a 5/8 inch iron rod with aluminum cap . "RPLS 4524° " set for a point of reverse curve.

Thence in a Southwesterly direction, following a curve to the left, having a central angle of $25^{\circ}54'57''$, a radius of 25.00 feet, a long chord of S $40^{\circ}32'02''$ W - 11.21', for a arc length of 11.31 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524'' set for the South corner of this 0.045 acre tract and from which a 5/8'' iron rod (top bent) found for the Southwest corner of Lot 5, Block 5 bears S $02^{\circ}16'13''$ E -9.40'.

Thence N 02°16'13" W along the East right-of-way line of Clara Street a distance of 95.16' to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 THRU 03/29/2017.

COORDINATE AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF-0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524

HPClara 0.045ac.DOC

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EXHIBIT "E" [Parcel AY17-241B]

Exhibit "E"

Being a 0.047 acre (2,045 sq. ft.) tract comprising part of Lot 14, Block 4 in the Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records) in the W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with cap "Martin Survey Assoc."
(N 13,875,616.14 E 3,060,872.50) found on the west right-of-way line of Clara
Street at the Northeast corner of that certain USA Waste of Texas Landfills Inc.
8.207 acre tract (20110197277 Official Public Records of Real Property of Harris
County Texas) and the Northeast corner of Lot 18, Block 4 of Independence Gardens
Additon.

Thence S 02°16'13" E along the West right-of-way line of Clara Street a distance of 1446.84 feet to a a 5/8 inch iron rod with aluminum cap "RPLS 4524" (N 13,874,170.58 E 3,060,929.94) set for the North corner of this 0.047 acre tract and the POINT OF BEGINNING.

Thence S 02°16'13"E along west right-of-way line of Clara Street a distance of 98.37 to a 5/8" iron rod with cap "RPLS 4524" set for the Southerly corner of this 0.047 acre tract and from which a 5/8" iron rod with cap "RPLS 4524" set for the Northeast corner of Lot 13 and Southeast corner of Lot 14 bears S 02°16'13"E - 6.64'.

Thence in a Northwesterly direction, following a curve to the left, having a central angle of 33°20'34", a radius of 25.00', a chord of N 40°55'25"W - 14.34', for a arc length of 14.55' to a 5/8" iron rod with cap "RPLS 4524" set for point of reverse curve.

Thence in a Northerly direction, following a curve to the right, having a central angle of 122°23'11", a radius of 50.00', a chord of N 03°35'54"E - 87.62', for a arc length of 106.80' to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 THRU 03/29/2017.

COORDINATES AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF - 0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524 HPClara 0.047 ac.DOC

CHECKED

DATE

APPROVED

EXHIBIT "F" [Parcel AY17-242]

Exhibit "F"

Being a 0.100 acre (4,360 sq. ft.) tract comprising part of Lot 12, Block 3 Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records); W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod (N 13,873,394.99 E 3,059,592.89) found on the west right-of-way line of Crawford Road at the Northeast corner of Lot 11 and the Southeast corner of Lot 12, Block 3 and from which a 1/2" iron rod found at the Southeast corner of Lot 11 in the the north right-of-way line of Tanner Road (60' ROW) at its intersection with the west right-of-way line of Crawford Road bears S 02°12'40" E - 612.18'.

Thence in a Westerly direction, following a curve to the left, having a central angle of $25^{\circ}57'53''$, a radius of 25.00', a long chord of N $71^{\circ}57'12''$ W - 11.23' and a arc length of 11.33 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524'' set for a point of reverse curve.

Thence in a Northerly direction, following a curve to the right, having a central angle of 177°32'59", a radius of 50.00 feet, a long chord of N 03°50'21" E - 99.98' and a arc length of 154.94' to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the North corner of this 0.100 acre tract.

Thence S 02°12'40" E along the west right-of-way line of Crawford Street a distance of 103.31 feet to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 thru 03/29/2017

COORDINATE AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF - 0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524 HPCRAWFORDCLOSING2016 0.100AC.DOC

CHECKED

DATE

APPROVED.

EXHIBIT "G" EASEMENT CONVEYANCE DOCUMENT [Parcel AY17-241A]

MSW 123200

Formal Comments by Myra Jefferson submitted in Opposition to Permit Number MSW-2185A, Hawthorn Park Recycling and Disposal Facility on June 28, 2022

Don't Sell our Rights-of-Way: Who knew that the T.A.C. Title 30 @ 330:543 does not allow waste unloading, storage, disposal, or processing operations to occur within Rights-of-way that crosses a Facility? Who knew that the Rights of Way in Carverdale (Crawford Road and Clara Road) crosses the Facility and prevents the West, Center, and East Blocks of the landfill from connecting and expanding as proposed in MSW-2185A? Who knew? Waste Management knew; the TNRCC knew; the TCEQ knew; Harris County knew; and the City of Houston (COH) knew.

Nonetheless, as shown in the Permit and attached documentation, the City of Houston recently sold said Rights-of-Way to U.S.A. Waste of Texas Landfills, Inc., intentionally without notice to the residents of Carverdale, so that the West, Center, and East Blocks could be connected under MSW-2185A. And the Houston City Council unanimously approved the Rights-of-Way Sale without ethics, without conscience, and without notice to the residents of Carverdale, which constitutes a deficiency based on Title VI of the Civil Rights Act of 1964. 42 USC s. 2000d.

After the Rights-of-Way Sale, USA Waste applied to the TCEQ for a permit amendment that would extend the active life of the Hawthorn Park Landfill in Carverdale 46.5 more years in the future, by violating or eliminating the Rights-of-Way; connecting the West, Center, and East Blocks; and building a Disposal Facility or Mountain of Trash on top of the existing landfill waste; even though it could disturb the final cover and cause groundwater contamination which constitutes a deficiency based on T.A.C. Title 30 at 330:955 & 330:957.

In Texas one could argue that Covenants go with the land and that the covenants would prevent Waste

Management from violating the Rights-of-Way. Regardless, if the City of Houston would not have sold the Rights-ofWay to USA Waste of Texas Landfills, Inc. then Waste Management could not have applied for a permit amendment
that entails connecting the West, Center, and East Blocks and expanding the landfill into a permanent Mountain of
Trash as described in MSW-2185A Draft Permit.

Based on 1.1 Permit History and Table I-1, it appears that Waste Management previously attempted to violate or eliminate the Rights-of-Way in 1995 under Permit No. MSW-2185, but was stopped by the TNRCC on 4/17/1995,



JUN 2 8 2022

By GCW

Page **1** of **2**

Formal Comments by Myra Jefferson submitted in Opposition to Permit Number MSW-2185A, Hawthorn Park Recycling and Disposal Facility on June 28, 2022

which resulted in an amendment that reduced the acreage by 4.1 acres to remove the Rights-of-Way that Waste Management did not own under MSW-2185.

In addition, the Permit seeks to reactivate a closed landfill, Permit No. MSW-1135, which is not supposed to be reactivated, based on the attached May 1, 2000, letter from the TNRCC without a new permit, and MSW-2185A is not a new permit—it is an amendment, which constitutes a deficiency.

In conclusion, if the City of Houston would have notified Carverdale Residents of their malicious intent to sell our Rights-of-Way (which they did not) then we would have told the COH "Don't Sell our Right-of-Way." For these reasons and prior comments, I pray that the TCEQ will deny Permit Number MSW-2185A. Thank you.

May 1, 2000 Letter Texas Natural Resource Conservation Commission Robert J. Huston, Chairman R. B. "Ralph" Marquez, Commissioner John M. Baker, Commissioner Jeffrey A. Sattas, Executive Director



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

May 1, 2000

SANIFILL OF TEXAS, INC PO BOX 803828 HOUSTON, TEXAS 77280

Subject: Completion of Post-Closure Care Period and Permit Expiration, Permit No. 01135

Dear Landfill Permittee:

A recent research of the Texas Natural Resource Conservation Commission (TNRCC), Municipal Solid Waste central records reveal the subject municipal solid waste (MSW) facility has completed the post-closure care maintenance requirements established by rules in effect during the operational life of this site. Therefore, this site is eligible to exit the post-closure care maintenance period.

As this site has satisfied all post-closure care maintenance requirements, the permit for this facility has now expired by its own terms. No additional waste disposal activities may be conducted at this site unless they are authorized by a new MSW permit.

Your cooperation in maintaining this closed site is greatly appreciated. Any future maintenance problems that arise are the Permittee's responsibility to correct as soon as practical.

If you have any questions concerning this matter, please contact the Municipal Solid Waste Permits Section at 512/239-6724.

Sincerely,

Dorca Zaragoda-Storie, Manager

MSW Permits Section Waste Permits Division

DZS/lcs

Rights-of-Way Sale
Documentation

DEPOSIT TICKET DEPOSIT RECORD COPY

CHASE O JPMorgan Chase Bank, N.A. www.Chase.com

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PWE PUBLIC WORKS
DEPOSIT ACCOUNT DEPT. #2000
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HOUSTON, TX 77251 132290 2 800 00 1162010102511 7 9 10 11 #1256EEEE09 12 13 14 15 16 17 69 00 200 TOTAL
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Document parked? Yes / No

Signature Document Number

CITY OF HOUSTON CASH RECEIPT JOURNAL ENTRY

Document Posted? Yes / No

Signature

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ORM JE/FI-02 June, 2006

APPROVED BY: ///// REQUESTED BY: 🔏

Signature

Comments.

FINAL APPROVAL

RECEIPT

CITY OF HOUSTON

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

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0068553 Office AU #

11-24 1210(8) CASHIER'S CHECK

6855302131

Remitter

PHILLIP R MATTHEWS II

Operator I D u394434

December 27, 2016

G

PAY TO THE ORDER OF

CITY OF HOUSTON

Three thousand four hundred dollars and no cents

\$3,400.00

Payee Address Memo:

5Y17-019, AY17-241, AY17-242

WELLS FARGO BANK, N.A. 7344 LOUETTA RD **SPRING, TX 77379** FOR INQUIRIES CALL (480) 394-3122 VOID IF OVER US \$ 3,400 00

#6855302131# #121000248#4861 512853#

DESCRIPTION: Abandonment and sale of Clara Road, from its northern terminus south ±1551 feet, Unnamed Road South, from Clara Road west to its terminus, and Crawford Road, from the southern property line of Lot 7, Block 4 north ±320 feet; and the nonacceptance of Unnamed Road North, from Clara Road west to its terminus; in exchange for conveyance to the City of rights-of-way for a cul-da-sac at the termini of Clara Road and Crawford, located within Clara Heights Addition and Independence Gardens Addition, out of the Washington County Railroad Company Survey, A-1185. (Phillip Reid Matthews II of Golder Associates on behalf of USA Waste of Texas Landfills Inc., Charles A. Rivette, Director of Planning and Project Development)

SY17-019, AY17-241, AND AY17-242 KIM JACKSON

GENERAL FUND \$3400.00

NON-REFUNDABLE DEPOSIT/APPRAISAL FEE



Sylvester Turner

Mayor

Dala A. Rudick, P.E. Director P.O. Box 1562 Houston, Texas 77251-1582

T. 832-395-2500 www.houstonbx.gov

December 7, 2016

Mr. Phillip Reld Matthews II Golder Associates 500 Century Plaza Drive, Suite 190 Houston, Texas 77073

Subject: Abandonment and sale of Clara Road, from its northern terminus south ±1551 feet, Unnamed Road South, from Clara Road west to its terminus, and Crawford Road, from the southern property line of Lot 7, Block 4 north ±320 feet; and the non-acceptance of Unnamed Road North, from Clara Road west to its terminus; in exchange for conveyance to the City of rights-of-way for and construction of a cul-dasac at the termini of Clara Road and Crawford Road, located within Clara Heights Addition and Independence Gardens Addition, out of the Washington County Railroad Company Survey, A-1185. Parcels SY17-019A, SY17-019B, SY17-019C. SY17-019D, AY17-241A, AY17-241B, AY17-242A, and AY17-242B

Dear Mr. Matthews:

The Joint Referral Committee (JRC) has reviewed and approved your request for the abandonment and sale of Clara Road, Crawford Road, and Unnamed Road South; and the nonacceptance of Belmore Street, in exchange for conveyance to the City of rights-of-way for a culda-sac at the termini of Clara Road and Crawford Road, subject to your completion of the requirements necessary to proceed with the transaction and final approval thereafter by City Council. We ask that you signify your acknowledgment and acceptance of these requirements by signing and returning to our office the attached "Acknowledgment and Acceptance Statement" (Attachment 1) within 10 business days from the date of this letter. You may also choose not to accept the requirements or proceed with the transaction.

Recent changes were enacted to Article VI of Chapter 2, Section 2-241 of the Code of Ordinances of the City of Houston, Texas that eliminated the need for a Council Motion for JRC abandonment requests. This letter is your notice of the requirements to proceed with the abandonment request. As you begin work on the requirements below, use this Contact Letter as needed for permits, plan and profile review or any other city process that requires evidence you are fulfilling the requirements to complete a JRC transaction.

Should you choose to proceed, you must complete these requirements within 30 days from the date of this letter. An extension may be granted based upon your written request stating the business need for the extension. The requirements to proceed with the transaction are listed below and should be pursued simultaneously. Processing one requirement at a time will prolong the time needed to complete this transaction.

1. You must submit a \$3,400.00 nonrefundable deposit by cashier's check payable to the City of Houston as follows:

Council Members: Brenda Stardig Jerry Davis Ellen R. Cohen Dwight A. Boytins Dave Martin Stave Le Grag Travis Karla Cisneros Robert Gallegos Mike Lester Larry V. Green Mike Knox David W. Robinson Michael Kubosh Amenda Edwards Jack Christie Controller: Chris Brown

Mr. Phillip Reid Matthews II
Parcels SY17-019A, SY17-019B, SY17-019C, SY17-019D, AY17-241A, AY17-241B, AY17-242A, and AY17-242B
December 7, 2016
Page 2

- (a) \$900.00, an amount representing the \$300.00 minimum fee required for the conveyance of a public land interest for each of the three abandonment parcels (3 \times \$300.00 = \$900.00), and
- (b) \$2,500.00, an amount equal to the City's estimated appraisal fees.

Should the appraisal fees be greater than estimated, we will contact you about the additional required deposit amount. If the transaction is concluded, the deposit will be applied toward the consideration. Otherwise, the City will retain the deposit to cover its operating expenses.

 You must furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected properties. For parcel identification please refer to the Parcel Map (Attachment 2). For more information, please contact the Right of Way Section at (832) 395-2382 and/or refer to the attached survey instructions (Attachment 3).

Upon receipt of the required deposit as listed in Item 1 and the durable, reproducible (Mylar) survey plat and field notes of the affected property as listed in Item 2, we will request the appraisal. You should continue processing the other requirements enumerated in this letter while the appraisal is being completed.

- You must obtain a letter of no objection from each of the privately owned utility companies for the street being abandoned and sold. Please see the attached list of the privately owned utility companies (Attachment 4). A plat or clear description of the property should accompany your written request.
- 4. You must submit an original statement of ownership letter from an attorney at law. The letter must include a copy of the documents conveying title to the property owner. Attached is a sample letter (Attachment 5) to assist you in complying with this requirement. If there are liens on the abutting property to the conveyance parcels, the letter must disclose the lienholders and include copies of the lien instruments. Our Legal Department will prepare the conveyance deed, and, should it be necessary, subordination agreements for the lienholders to execute.
- 5. You must furnish the Department of Public Works and Engineering with proof that the remaining tenants of the Ponderosa Trailer Park have been vacated.
- 6. You must submit business documents for the abutting property owner, USA Waste of Texas Landfills Inc, when conveying a property interest to the City. Please see the attached list of required business documents (Attachment 6).
- 7. You must separately permit the following street construction items:
 - (a) Design and construct a cul-de-sac to City standards (Attachment 7) at the new termini of Clara Road and Crawford Street.
 - (b) Eliminate the public street appearance of Clara Road from its northern terminus south to the proposed cul-de-sac, Crawford Road from its northern terminus south to the proposed cul-de-sac, and Unnamed Street South, from its western terminus east to Clara Road.

Mr. Phillip Reid Matthews II Parcels SY17-019A, SY17-019B, SY17-019C, SY17-019D, AY17-241A, AY17-241B, AY17-242A, and AY17-242B December 7, 2016 Page 3

(c) Install a dead end sign at the intersection of Tanner Road and Crawford Road.

(d) Remove any public traffic signs and poles and return to the COH Traffic Operations Division at 2200 Patterson Street, 77007, contact Wesley Deshotel, at (713) 803-3011 or (713) 803-3040.

The forgoing items must be completed at no cost to the City and under the proper permits obtained separately and exclusively from the Office of the City Engineer

For specific instructions concerning this requirement, you may contact Teofilo Rebagay of the Traffic Operations Division at (832) 395-3009.

- (e) Keep the Real Estate Branch informed of the activities undertaken to satisfy these requirements.
- (f) Provide Becky Ambridge with copies of the approved drawings and permits documenting the construction approvals and acceptance of the cul-de-sac by the City signed by the Office of the City Engineer.

Once the subject abandonment and conveyance parcels have been surveyed and appraised, an Offer Letter will be forwarded to you that will include the requirement to pay the balance of consideration and listing any outstanding items from the requirements above. Once you have completed the requirements listed in this letter and the Offer Letter, the Real Estate Branch will process a Request for Council Action (RCA) requesting City Council approval of an ordinance effecting the final abandonment and sale of the City's property interest.

Should you have any questions, please contact Kim Jackson, Real Estate Analyst, Real Estate Branch-Land Disposition, at (832) 395-3122.

Sincerely.

Nancy P. Collins

Senior Assistant Director-Real Estate Planning and Development Services Division Department of Public Works and Engineering

NPC:WSB:kj kj\jrc_files \sy17-019 clsc

nancy F. allins

7 Attachments

- 1. Acknowledgment and Acceptance Statement
- 2. Parcel Map
- 3. Survey Instructions
- 4. List of Privately Owned Utility Companies
- 5. Sample Statement of Ownership Letter
- 6. List of Business Documents
- 7. City Drawing 10-06-009
- c: Charles A. Rivette, USA Waste of Texas Landfills Inc. Lagnesh Varshney Shallesh Patel (CUIC 20 9709) Right-of-Way Section Teofilo Rebagay

Houston City Council Motion Regarding Rights-of-Way-Sale

MOTION NO. 2018 0468

MOTION by Council Member Cohen that the recommendation of the Director of Houston Public Works, reviewed and approved by the Joint Committee, on request from Phillip Reid Matthews, II, Golder Associates, 500 Century Plaza Drive, Suite 190. Houston, Texas, 77073, on behalf of USA Waste of Texas Landfills, Inc., 9821 Katy Freeway, Suite 700, Houston, Texas, 77024, (James A. Wilson, Vice President), that the City not accept the dedication of Unnamed Road North, from Clara Road west to its terminus, located within Clara Heights Addition and Independence Gardens Addition, out of the Washington County Railroad Company Survey, A-1185, Parcel SY17-057, be adopted, and the City Council hereby declines the acceptance of, rejects, and refuses the dedication of Unnamed Road North, from Clara Road west to its terminus, located within Clara Heights Addition and Independence Gardens Addition, out of the Washington County Railroad Company Survey, A-1185, Parcel SY17-057, inasmuch as the street has never been paved or provided any type of maintenance and the City has identified no future need for this street.

Seconded by Council Member Davis and carried,

Mayor Turner, Council Members Stardig, Davis, Cohen, Boykins, Martin, Le, Travis, Cisneros, Gallegos, Laster, Castex-Tatum, Knox, Robinson, Kubosh, Edwards and Christie voting aye Nays none

PASSED AND ADOPTED this 12th day of September, 2018.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is September 18, 2018.

Wyadussill
City Secretary

Being a 0.611 acre (26,604 sq. ft.) tract comprising all the street right-of-way that lies between Block 3 and 4 of the Clara Heights Subdivision (unrecorded), said subdivision comprised of Lot 17 and 18 of Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records) in the W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with cap "Martin Survey Assoc." (N 13,875,616.14 E 3,060,872.50) found on the west right-of-way line of Clara Street at the Northeast corner of that certain USA Waste of Texas Landfills Inc. 8.207 acre tract (2011197277 Official Public Records of Real Property of Harris County Texas), the Northeast corner of Clara Heights subdivision and the Northeast corner of Lot 18, Block 4 of Independence Gardens Addition.

Thence S 02°16'13" E along the west right-of-way line of Clara Street (40' ROW) a distance of 133.24 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" (N 13,875,483.01 E 3,060,877.79) set for the Southeast corner of Block 4, Clara Heights subdivision and the Northeast corner of this 0.611 acre tract and the POINT OF BEGINNING.

Thence S 02°16'13" E along the west right-of-way line of Clara Street a distance of 40.00 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Northeast corner of Block 3, Clara Heights subdivision and the Southeast corner of this 0.611 acre tract.

Thence S 88°46'05" W a distance of 665.10 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Northwest corner of Block 3, Clara Heights subdivision and the Southwest corner of this 0.611 acre tract.

Thence N 02°16'03" W along the west line of Clara Heights subdivision and the west line of Lot 18, Block 4 of Independence Gardens Addition a distance of 40.00 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Southwest corner of Block 4, Clara Heights subdivision and the Northwest corner of this 0.611 acre tract.

Thence N 88°46'05" E a distance of 665.10 feet to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 THRU 09/22/2016.

COORDINATE AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF - 0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524 HPClaraheightsnorthrowCLOSING2016.DOC

> PARCEL NO . PROJ NO _

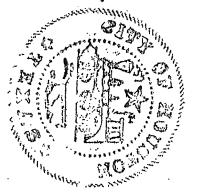
CHECKED

DATE

APPROVED

I, ANNA RUSSELL, City Secretary of the City of Houston, Texas, do hereby certify that the within and foregoing is a true and correct copy of Motion No. 2018-468 passed and adopted by the City Council of said City on the 12th day of September, 2018, as the same appears in the records in my office.

WITNESS my hand and the Seal of said City this 21st day of September, 2018.



Anna Russell

City Secretary of the City of Houston

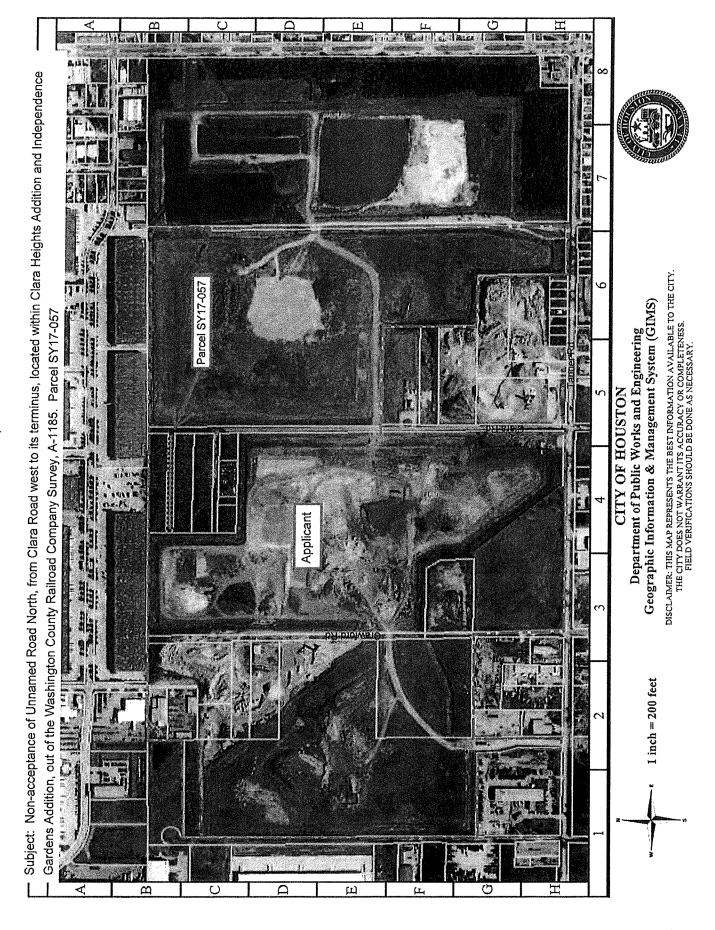
RP-2018-465637
Pages 4
10/11/2018 09:42 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$24.00

RECORDERS MEMORANDUM
This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

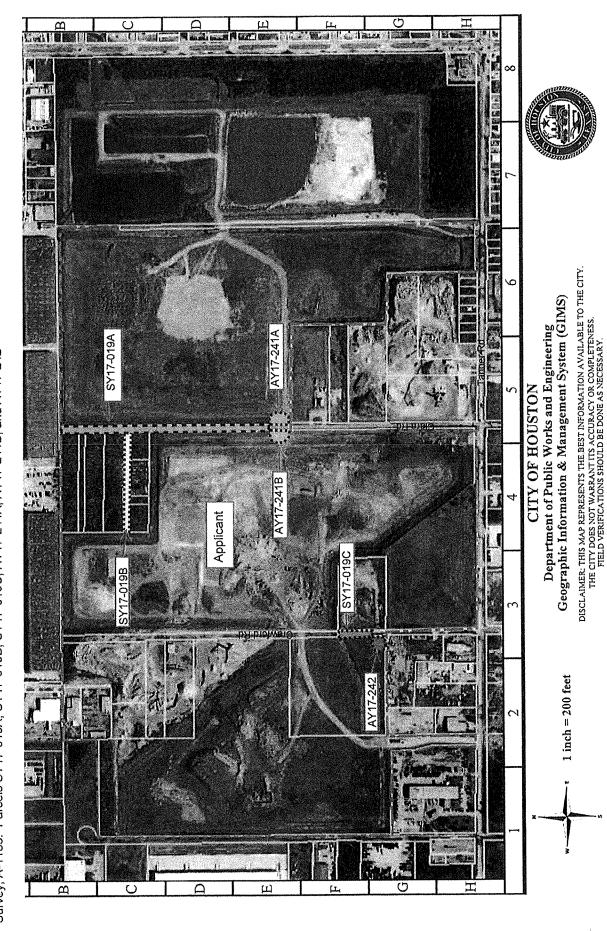
Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law. THE STATE OF TEXAS COUNTY OF HARRIS I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.

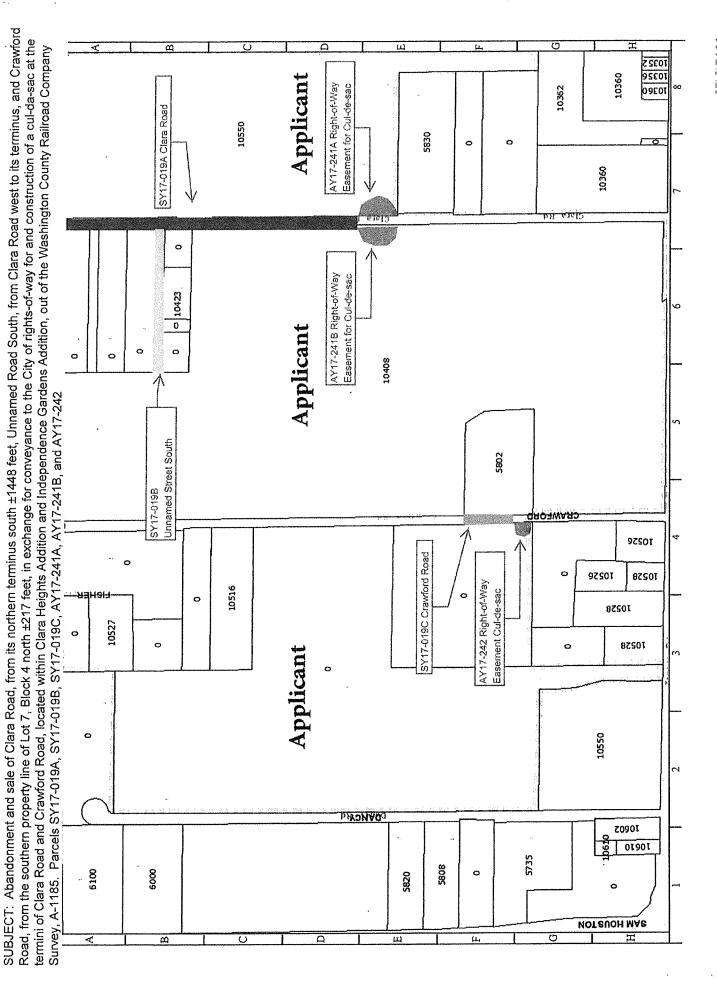
OF WARRIS COUNTY

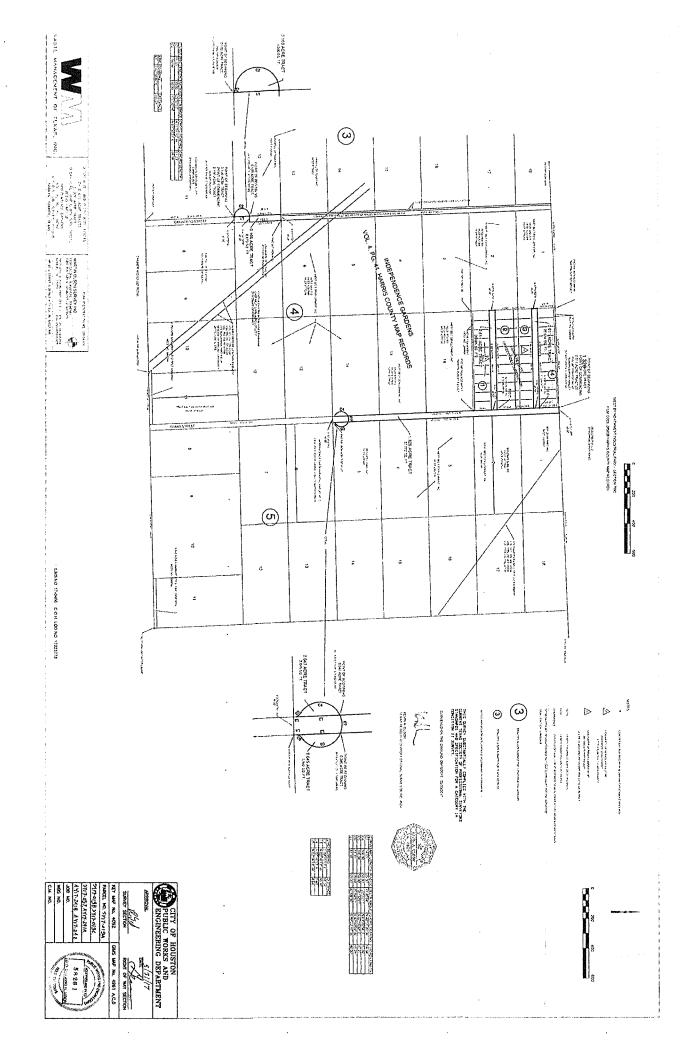
COUNTY CLERK HARRIS COUNTY, TEXAS



SUBJECT: Abandonment and sale of Clara Road, from its northern terminus south ±1448 feet, Unnamed Road South, from Clara Road west to its terminus, and Crawford Road, from the southern property line of Lot 7, Block 4 north ±217 feet, in exchange for conveyance to the City of rights-of-way for and construction of a cul-da-sac at the termini of Clara Road and Crawford Road, located within Clara Heights Addition and Independence Gardens Addition, out of the Washington County Railroad Company Survey, A-1185. Parcels SY17-019A, SY17-019B, SY17-019C, AY17-241A, AY17-241B, and AY17-242







City of Houston, Texas, Ordinance No. 2018-7/5

AN ORDINANCE FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED USE OF CLARA ROAD, A/K/A CLARA STREET, FROM ITS NORTHERN TERMINUS SOUTH ± 1448 FEET, UNNAMED ROAD SOUTH, FROM CLARA ROAD, A/K/A CLARA STREET, WEST TO ITS TERMINUS, AND CRAWFORD ROAD, A/K/A CRAWFORD STREET, FROM THE NORTHERN PROPERTY LINE OF LOT 7, BLOCK 4, SOUTH ± 217 FEET, LOCATED IN THE CLARA HEIGHTS SUBDIVISION AND INDEPENDENCE GARDENS ADDITION, AND BEING OUT OF THE W.C.R.R. CO. SURVEY, ABSTRACT NO. 1185, HARRIS COUNTY, TEXAS; ABANDONING SUCH STREETS TO USA WASTE OF TEXAS LANDFILLS, INC., THE ABUTTING OWNER, IN CONSIDERATION OF ITS PAYMENT TO THE CITY OF \$188,632.00, CONVEYANCE TO THE CITY OF THREE RIGHT OF WAY EASEMENTS FOR CONSTRUCTION OF CUL-DE-SACS AT THE TERMINI OF CLARA ROAD, A/K/A CLARA STREET, AND CRAWFORD ROAD, A/K/A CRAWFORD STREET, ALSO LOCATED WITHIN THE INDEPENDENCE GARDENS ADDITION, AND OTHER GOOD AND VALUABLE CONSIDERATION; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.

WHEREAS, USA WASTE OF TEXAS LANDFILLS, INC., a corporation incorporated under the laws of Delaware, (the "Owner") has requested that the CITY OF HOUSTON, TEXAS, a municipal corporation situated in Harris, Fort Bend, and Montgomery Counties, Texas (the "City") abandon Clara Road, a/k/a Clara Street, from its northern terminus south ± 1448 feet, Unnamed Road South, from Clara Road, a/k/a Clara Street, west to its terminus, and Crawford Road, a/k/a Crawford Street, from the northern property line of Lot 7, Block 4, south ± 217 feet, located in the Clara Heights Subdivision and the Independence Gardens Addition, and being out of the W.C.R.R. Co. Survey, Abstract No. 1185, Houston, Harris County, Texas; and

WHEREAS, the Joint Referral Committee of the City has reviewed and approved the Owner's request, and the Director of Houston Public Works has recommended that the streets be abandoned; and

WHEREAS, the streets to be abandoned have been appraised by an independent appraiser, whose written appraisal report is available to City Council and has been taken into consideration in determining the action herein taken; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the City Council of the City of Houston, Texas, finds and determines that public convenience and necessity no longer require the continued use of Clara Road, a/k/a Clara Street, from its northern terminus south \pm 1448 feet, Unnamed Road South, from Clara Road, a/k/a Clara Street, west to its terminus, and Crawford Road, a/k/a Crawford Street, from the northern property line of Lot 7, Block 4, south \pm 217 feet, consisting of Parcels SY17-019A, SY17-019B, and SY17-019C. The parcels are located in the Clara Heights Subdivision and the Independence Gardens Addition, are out of the W.C.R.R. Co. Survey, Abstract No. 1185, Houston, Harris County, Texas, and are more particularly described by metes and bounds on **EXHIBIT "A"** through **EXHIBIT "C**," attached hereto. The streets are hereby abandoned to the Owner.

Section 2. That the City Council hereby quitclaims, to the Owner, the City's entire right, title, interest, claim and demand in and to Parcels SY17-019A, SY17-019B, and SY17-019C, and said parcels are hereby sold to the Owner in consideration of its payment to the City of \$188,632.00, conveyance to the City of three right of way easements for construction of cul-de-sacs at the termini of Clara Road, a/k/a Clara Street, and Crawford Road, a/k/a Crawford Street, (Parcels AY17-241A, AY17-241B, and AY17-242), located in the Independence Gardens Addition, being out of the W.C.R.R. Co. Survey, Abstract No. 1185, and being more particularly described by metes and bounds on EXHIBIT "D" through EXHIBIT "F," attached hereto, and other good and valuable consideration.

Section 3. That the conveyance of the easements to the City shall be effected by an easement conveyance substantially in the form of the Easement Conveyance documents attached hereto as **EXHIBIT "G"** through **EXHIBIT "I"** and made a part hereof, with such changes as may be approved by the City Attorney or his designees.

Section 4. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five (5) days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Charter of the City of Houston, Texas.

PASSED AND ADOPTED this Athday of September	_, 2018.
APPROVED this day of	, 2018.
	•
Mayor of the City of Houston	
Pursuant to Article VI, Section 6, Charter of the City of Houston, effective date of the foregoing Ordinance is	Texas, the
Cmakussell	
City Secretary	
(Prepared by Legal Dept. Fulland Scarles) Helland S. Banks	
Assistant City Attorney	
(Requested by Carol E. Haddock, P.E., Director, Houston Public Works, City	of Houston.)

LTS# 19473

MAYOR TURNI COUNCIL MEMI STARDIG DAVIS COHEN BOYKINS MARTIN LE TRAVIS
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DAVIS COHEN BOYKINS MARTIN LE
COHEN BOYKINS MARTIN LE
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TRAVIS
CISNEROS
GALLEGOS
LASTER
CASTEX-TATU
KNOX
ROBINSON
KUBOSH
EDWARDS
CHRISTIE
PTED

EXHIBIT "A" [Parcel SY17-019A]

Exhibit "A"

Being a 1.326 acre (57,772 sq. ft.) tract comprising part of Clara Street (40' ROW) in the Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records) in the W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with cap "Martin Survey Assoc."
(N 13,875,616.14 E 3,060,872.50) found on the west right-of-way line of Clara Street at the Northeast corner of that certain USA Waste of Texas Landfills Inc. 8.207 acre tract (20110197277 Official Public Records of Real Property of Harris County Texas) and the Northeast corner of Lot 18, Block 4 of Independence Gardens Addition.

Thence N 87°37'29" E along the North boundary line of said Independence Gardens Addition a distance of 40.00 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Northeast corner of this 1.326 acre tract, the Northwest corner of Lot 1, Block 5, Independence Gardens Addition and from which a 3/4" iron rod found for the Southeast corner of West by Northwest Industrial Park - Section 2 (Film Code 385038 Harris County Map Records) bears N 87°37'29" E - 1499.36'.

Thence S 02°16'13" E along the East right-of-way line of Clara Street a distance of 1447.36 feet to a a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Southeast corner of this 1.326 acre tract and from which a 5/8" iron rod (top bent) found for the Southwest corner of Lot 5, Block 5 bears S 02°16'13" E - 104.56'.

Thence in a Westerly direction, following a curve to the left, having a central angle of $47^{\circ}09'34''$, a radius of 50.00 feet, a long chord of S $88^{\circ}22'16''$ W - 40.00', for a arc length of 41.15 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524'' set for the Southwest corner of this 1.326 acre tract.

Thence N 02°16'13" W along the west right-of-way line of Clara Street a distance of 1446.84' to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 THRU 03/29/2017.

COORDINATE AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF - 0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

DWG NO

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524 HPClaraclosing2016 1.326.DOC

PARCEL NO SY17-019A
PROJ NO

CHECKED (

DATE.

APPROVED

EXHIBIT "B" [Parcel SY17-019B]

Exhibit "B"

Being a 0.611 acre (26,606 sq. ft.) tract comprising all the street right-of-way that lies between Block 1 and 2 of the Clara Heights Subdivision (unrecorded), said subdivision comprised of Lot 17 and 18 of Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records) in the W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with cap "Martin Survey Assoc."
(N 13,875,616.14 E 3,060,872.50) found on the west right-of-way line of Clara
Street at the Northeast corner of that certain USA Waste of Texas Landfills Inc.
8.207 acre tract (2011197277 Official Public Records of Real Property of Harris
County Texas), the Northeast corner of Clara Heights subdivision and the Northeast
corner of Lot 18, Block 4 of Independence Gardens Addition.

Thence S 02°16'13" E along the west right-of-way line of Clara Street (40' ROW) passing at 133.24 feet a 5/8 inch iron rod with aluminum cap "RPLS 4524" found on line; passing at 173.24 feet a 5/8 inch iron rod with aluminum cap "RPLS 4524" found on line; for a total distance of 423.28 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" (N 13,875,193.23 E 3,060,889.30) set the Southeast corner of Block 2, Clara Heights subdivision and the Northeast corner of this 0.611 acre tract and the POINT OF BEGINNING.

Thence S 02°16'13" E along the west right-of-way line of Clara Street a distance of 40.00 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Northeast corner of Block 1, Clara Heights subdivision and the Southeast corner of this 0.611 acre tract.

Thence S 88°46'05" W a distance of 665.14 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Northwest corner of Block 1, Clara Heights subdivision and the Southwest corner of this 0.611 acre tract.

Thence N 02°16'03" W along the west line of Clara Heights subdivision and the west line of Lot 17, Block 4 of Independence Gardens Addition a distance of 40.00 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Southwest corner of Block 2, Clara Heights subdivision and the Northwest corner of this 0.611 acre tract.

Thence N 88°46'05" E a distance of 665.14 feet to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 THRU 09/22/2016

COORDINATE AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF - 0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524

HPClaraclosing2016 1.326.DOC

CHECKED 5/30//7

EXHIBIT "C" [Parcel SY17-019C]

Exhibit "C"

Being a 0.199 acre (8,673 sq. ft.) tract comprising part of Crawford Street (40' ROW) between Lot 12, Block 3 and Lot 7, Block 4, Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records), W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod (N 13,873,394.99 E 3,059,592.89) found on the west right-of-way line of Crawford Road at the Northeast corner of Lot 11 and the Southeast corner of Lot 12, Block 3 and from which a 1/2" iron rod found at the Southeast corner of Lot 11 in the the north right-of-way line of Tanner Road (60' ROW) at its intersection with the west right-of-way line of Crawford Road bears S 02°12'40" E - 612.18'.

Thence N 02°12'40" W along the west right-of-way line of Crawford Street a distance of 103.31 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" (N 13,873,498.21 E 3,059,588.90) set for the Southwest corner of this 0.199 acre tract and the POINT OF BEGINNING.

Thence N 02°12'40" W along the west right-of-way line of Crawford Street a distance of 216.83 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Northeast corner of Lot 12 and the Northwest corner of this 0.199 acre tract.

Thence N $87^{\circ}47'20''$ E along the South line of that certain 1.827 acre abandonment parcel closed by the City of Houston Ordinance No. 98-298 (Harris County Clerk's File No. 7046217) a distance of 40.00 feet to a 5/8'' iron rod found for the Northwest corner of Lot 7, Block 4 and the Northeast corner of this 0.199 acre tract.

Thence S $02^{\circ}12'40''$ E along the east right-of-way line of Crawford Street a distance of 216.83 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Southeast corner of this 0.199 acre tract.

Thence S 87°47'20"W a distance of 40.00 feet to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 thru 03/29/2017

COORDINATE AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF - 0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524 HPCRAWFORDCLOSING2016 0.199AC.DOC

KEVIN A. DISCH F

CHECKED

DATE

APPROVED_

EXHIBIT "D" [Parcel AY17-241A]

Exhibit "D"

Being a 0.045 acre (1,943 sq. ft.) tract comprising part of Lot 5, Block 5 in the Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records) in the W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with cap "Martin Survey Assoc."
(N 13,875,616.14 E 3,060,872.50) found on the west right-of-way line of Clara
Street at the Northeast corner of that certain USA Waste of Texas Landfills Inc.
8.207 acre tract (20110197277 Official Public Records of Real Property of Harris
County Texas) and the Northeast corner of Lot 18, Block 4 of Independence Gardens
Additon.

Thence N 87°37'29" E along the North boundary line of said Independence Gardens Addition a distance of 40.00 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Northwest corner of Lot 1, Block 5, Independence Gardens Addition and from which a 3/4" iron rod found for the Southeast corner of West by Northwest Industrial Park - Section 2 (Film Code 385038 Harris County Map Records) bears N 87°37'29" E - 1499.36'.

Thence S 02°16'13" E along the East right-of-way line of Clara Street a distance of 1447.36 feet to a a 5/8 inch iron rod with aluminum cap "RPLS 4524" (N 13,874,171.57 E 3,060,969.81) set for the North corner of this 0.045 acre tract and the POINT OF BEGINNING.

Thence in a Southerly direction, following a curve to the right, having a central angle of $121^{\circ}32^{\circ}27''$, a radius of 50.00 feet, a long chord of S $07^{\circ}16^{\circ}43''$ E \sim 87.27', for a arc length of 106.06 feet to a 5/8 inch iron rod with aluminum cap. "RPLS 4524'' set for a point of reverse curve.

Thence in a Southwesterly direction, following a curve to the left, having a central angle of $25^{\circ}54^{\circ}57''$, a radius of 25.00 feet, a long chord of S $40^{\circ}32^{\circ}02''$ W - 11.21', for a arc length of 11.31 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524'' set for the South corner of this 0.045 acre tract and from which a 5/8'' iron rod (top bent) found for the Southwest corner of Lot 5, Block 5 bears S $02^{\circ}16^{\circ}13''$ E -9.40° .

Thence N 02°16'13" W along the East right-of-way line of Clara Street a distance of 95.16' to the POINT OF BEGINNING,

SURVEYED ON THE GROUND: 08/15/2016 THRU 03/29/2017.

COORDINATE AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF - 0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524

HPClara 0.045ac.DOC

OF 7 EUTE (CEVIN A. OLSON D) 4534

CHECKED

APPROVED 2

EXHIBIT "E" [Parcel AY17-241B]

Exhibit "E"

Being a 0.047 acre (2,045 sq. ft.) tract comprising part of Lot 14, Block 4 in the Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records) in the W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with cap "Martin Survey Assoc." (N 13,875,616.14 E 3,060,872.50) found on the west right-of-way line of Clara Street at the Northeast corner of that certain USA Waste of Texas Landfills Inc. 8.207 acre tract (20110197277 Official Public Records of Real Property of Harris County Texas) and the Northeast corner of Lot 18, Block 4 of Independence Gardens Additon.

Thence S 02°16'13" E along the West right-of-way line of Clara Street a distance of 1446.84 feet to a a 5/8 inch iron rod with aluminum cap "RPLS 4524" (N 13,874,170.58 E 3,060,929.94) set for the North corner of this 0.047 acre tract and the POINT OF BEGINNING.

Thence S 02°16'13"E along west right-of-way line of Clara Street a distance of 98.37 to a 5/8" iron rod with cap "RPLS 4524" set for the Southerly corner of this 0.047 acre tract and from which a 5/8" iron rod with cap "RPLS 4524" set for the Northeast corner of Lot 13 and Southeast corner of Lot 14 bears S 02°16'13"E -6.641.

Thence in a Northwesterly direction, following a curve to the left, having a central angle of 33°20'34", a radius of 25.00', a chord of N 40°55'25"W -14.34', for a arc length of 14.55' to a 5/8" iron rod with cap "RPLS 4524" set for point of reverse curve.

Thence in a Northerly direction, following a curve to the right, having a central angle of 122°23'11", a radius of 50.00', a chord of N 03°35'54"E - 87.62', for a arc length of 106,80' to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 THRU 03/29/2017.

COORDINATES AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF - 0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524

HPClara 0.047 ac.DOC

AY17-241B PARCEL NO . PROJ NO

CHECKED DATE

APPROVED

EXHIBIT "F" [Parcel AY17-242]

Exhibit "F"

Being a 0.100 acre (4,360 sq. ft.) tract comprising part of Lot 12, Block 3 Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records); W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod (N 13,873,394.99 E 3,059,592.89) found on the west right-of-way line of Crawford Road at the Northeast corner of Lot 11 and the Southeast corner of Lot 12, Block 3 and from which a 1/2" iron rod found at the Southeast corner of Lot 11 in the the north right-of-way line of Tanner Road (60' ROW) at its intersection with the west right-of-way line of Crawford Road bears S 02°12'40" E - 612.18'.

Thence in a Westerly direction, following a curve to the left, having a central angle of $25^{\circ}57'53''$, a radius of 25.00', a long chord of N $71^{\circ}57'12''$ W - 11.23' and a arc length of 11.33 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for a point of reverse curve.

Thence in a Northerly direction, following a curve to the right, having a central angle of 177°32'59", a radius of 50.00 feet, a long chord of N 03°50'21" E - 99.98' and a arc length of 154.94' to a 5/8 inch iron rod with aluminum cap "RPLS'4524" set for the North corner of this 0.100 acre tract.

Thence S 02°12'40" E along the west right-of-way line of Crawford Street a distance of 103.31 feet to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 thru 03/29/2017

COORDINATE AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF - 0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524

HPCRAWFORDCLOSING2016 0.100AC.DOC

CHECKED_

DATE

APPROVED.

EXHIBIT "G" EASEMENT CONVEYANCE DOCUMENT [Parcel AY17-241A]

EASEMENT CONVEYANCE

STATE OF TEXAS

COUNTY OF HARRIS

GRANTOR:

USA WASTE OF TEXAS LANDFILLS, INC., A DELAWARE CORPORATION

GRANTOR'S MAILING ADDRESS:

1001 Fannin, Suite 4000 Houston, Texas 77002

GRANTEE:

CITY OF HOUSTON, a municipal corporation situated in Harris, Fort Bend and Montgomery Counties, Texas.

GRANTEE'S MAILING ADDRESS:

P. O. Box 1562 Houston, TX:77251

CONSIDERATION:

Ten and No/100 (\$10.00) and other good and valuable consideration.

PROPERTY:

A permanent and perpetual 0.045 acre (1,943 square foot) right of way easement (the "Easement"), situated in the W.C.R.R. Co. Survey, Abstract No. 1185, Houston, Harris County, Texas, being a portion of Lot 5, Block 5 in the Independence Gardens Addition, recoded under Vol. 4, pg. 41 of the Harris County Map Records, (H.C.M.R.), and being more particularly described by metes and bounds on **Exhibit "A,"** attached hereto and made a part hereof (the "Property").

This conveyance of Easement is made subject to all restrictions, covenants, conditions, rights-of-way, easements, mineral reservations and royalty reservations of record, if any, in the office of the County Clerk of Harris County, Texas, but only to the extent that the same are valid and subsisting, are binding upon municipalities, and affect the Property.

Grantee shall have such access across, along, under and upon the Property, and may enter upon such Property to engage in such activities as may be necessary, requisite, convenient or appropriate in connection therewith. Grantee's rights in and to the Property shall include, without limitation, the right to clear and remove trees, growth and shrubbery from within the Easement, and the right to bring and operate such equipment thereupon as may be necessary or appropriate to effectuate the purposes for which this Easement is granted.

Grantor, for the Consideration, grants, sells and conveys to Grantee the Easement in and to the Property, together with, all and singular, the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend, all and singular, the Easement in and to the Property to Grantee and Grantee's successors or assigns against every person whosoever lawfully claiming or to claim the same or any part thereof, except as to the exceptions to conveyance and warranty set forth above, by, through or under Grantor, but not otherwise.

IN WITNESS WHERE day of	EOF, these presents have, 2018.	e been exec	uted by Grantor to this
			e of Texas Landfills, ware corporation
		By: Name: Title:	James A. Wilson Vice President
STATE OF TEXAS			
COUNTY OF HARRIS	·	•	
	s acknowledged before by James A. Wilson , aware corporation, on be	Vice Preside	ent of USA Waste of
	Notary Publi	c, State of T	exas
(Notary Seal)			
Approved as to Form:			
Holland Samantha Banks Assistant City Attorney			

EXHIBIT "A" EASEMENT AREA

Exhibit "A"

Being a 0.045 acre (1,943 sq. ft.) tract comprising part of Lot 5, Block 5 in the Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records) in the W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with cap "Martin Survey Assoc."
(N 13,875,616.14 E 3,060,872.50) found on the west right-of-way line of Clara Street at the Northeast corner of that certain USA Waste of Texas Landfills Inc. 8.207 acre tract (20110197277 Official Public Records of Real Property of Harris County Texas) and the Northeast corner of Lot 18, Block 4 of Independence Gardens Additon.

Thence N 87°37'29" E along the North boundary line of said Independence Gardens Addition a distance of 40.00 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the Northwest corner of Lot 1, Block 5, Independence Gardens Addition and from which a 3/4" iron rod found for the Southeast corner of West by Northwest Industrial Park - Section 2 (Film Code 385038 Harris County Map Records) bears N 87°37'29" E - 1499.36'.

Thence S $02^{\circ}16'13''$ E along the East right-of-way line of Clara Street a distance of 1447.36 feet to a a 5/8 inch iron rod with aluminum cap "RPLS 4524" (N 13,874,171.57 E 3,060,969.81) set for the North corner of this 0.045 acre tract and the POINT OF BEGINNING.

Thence in a Southerly direction, following a curve to the right, having a central angle of 121°32'27", a radius of 50.00 feet, a long chord of S 07°16'43" E - 87.27', for a arc length of 106.06 feet to a 5/8 inch iron rod with aluminum cap. "RPLS 4524" set for a point of reverse curve.

Thence in a Southwesterly direction, following a curve to the left, having a central angle of 25°54'57", a radius of 25.00 feet, a long chord of S 40°32'02" W - 11.21', for a arc length of 11.31 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for the South corner of this 0.045 acre tract and from which a 5/8" iron rod (top bent) found for the Southwest corner of Lot 5, Block 5 bears S 02°16'13" E - 9.40'.

Thence N 02°16'13" W along the East right-of-way line of Clara Street a distance of 95,16' to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 THRU 03/29/2017.

COORDINATE AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF - 0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524

HPClara 0.045ac.DOC

C KEVIN A. OLSON DA SELFIVE OF SE

CHECKED DATE

APPROVED_

EXHIBIT "H" EASEMENT CONVEYANCE DOCUMENT [Parcel AY17-241B]

Exhibit "H"

Parcel AY17-241B

EASEMENT CONVEYANCE

STATE OF TEXAS §

COUNTY OF HARRIS §

GRANTOR:

USA Waste of Texas Landfills, Inc., a Delaware Corporation

GRANTOR'S MAILING ADDRESS:

1001 Fannin, Suite 4000 Houston, Texas 77002

GRANTEE:

CITY OF HOUSTON, a municipal corporation situated in Harris, Fort Bend and Montgomery Counties, Texas.

GRANTEE'S MAILING ADDRESS:

P. O. Box 1562 Houston, TX 77251

CONSIDERATION:

Ten and No/100 (\$10.00) and other good and valuable consideration.

PROPERTY:

A permanent and perpetual 0.047 acre (2,045 square foot) right of way easement (the "Easement"), situated in the W.C.R.R. Co. Survey, Abstract No. 1185, Houston, Harris County, Texas, being a portion of Lot 14, Block 4 in the Independence Gardens Addition, recoded under Vol. 4, pg. 41 of the Harris County Map Records, (H.C.M.R.), and being more particularly described by metes and bounds on **Exhibit "A,"** attached hereto and made a part hereof (the "Property").

This conveyance of Easement is made subject to all restrictions, covenants, conditions, rights-of-way, easements, mineral reservations and royalty reservations of record, if any, in the office of the County Clerk of Harris County, Texas, but only to the extent that the same are valid and subsisting, are binding upon municipalities, and affect the Property.

Grantee shall have such access across, along, under and upon the Property, and may enter upon such Property to engage in such activities as may be necessary, requisite, convenient or appropriate in connection therewith. Grantee's rights in and to the Property shall include, without limitation, the right to clear and remove trees, growth and shrubbery from within the Easement, and the right to bring and operate such equipment thereupon as may be necessary or appropriate to effectuate the purposes for which this Easement is granted.

Grantor, for the Consideration, grants, sells and conveys to Grantee the Easement in and to the Property, together with, all and singular, the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend, all and singular, the Easement in and to the Property to Grantee and Grantee's successors or assigns against every person whosoever lawfully claiming or to claim the same or any part thereof, except as to the exceptions to conveyance and warranty set forth above, by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, these day of, 20		been execu	ited by Grantor to this
			of Texas Landfills, ware corporation
			James A. Wilson Vice President
STATE OF TEXAS §			
STATE OF TEXAS § COUNTY OF HARRIS §	• '		
This instrument was acknowl , 2018, by James Texas Landfills, Inc., a Delaware corp	A. Wilson, V	ice Presider	nt of USA Waste of
	Notary Public,	, State of Te	xas
(Notary Seal)			
Approved as to Form:			
Holland Samantha Banks Assistant City Attorney			

EXHIBIT "A" EASEMENT AREA

Exhibit "A"

Being a 0.047 acre (2,045 sq. ft.) tract comprising part of Lot 14, Block 4 in the Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records) in the W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" iron rod with cap "Martin Survey Assoc."
(N 13,875,616.14 E 3,060,872.50) found on the west right-of-way line of Clara
Street at the Northeast corner of that certain USA Waste of Texas Landfills Inc.
8.207 acre tract (20110197277 Official Public Records of Real Property of Harris
County Texas) and the Northeast corner of Lot 18, Block 4 of Independence Gardens
Additon.

Thence S $02^{\circ}16^{\circ}13''$ E along the West right-of-way line of Clara Street a distance of 1446.84 feet to a a 5/8 inch iron rod with aluminum cap "RPLS 4524" (N 13,874,170,58 E 3,060,929.94) set for the North corner of this 0.047 acre tract and the POINT OF BEGINNING.

Thence S 02°16'13"E along west right-of-way line of Clara Street a distance of 98.37 to a 5/8" iron rod with cap "RPLS 4524" set for the Southerly corner of this 0.047 acre tract and from which a 5/8" iron rod with cap "RPLS 4524" set for the Northeast corner of Lot 13 and Southeast corner of Lot 14 bears S 02°16'13"E - 6.64'.

Thence in a Northwesterly direction, following a curve to the left, having a central angle of 33°20'34", a radius of 25.00', a chord of N 40°55'25"W - 14.34', for a arc length of 14.55' to a 5/8" iron rod with cap "RPLS 4524" set for point of reverse curve.

Thence in a Northerly direction, following a curve to the right, having a central angle of $122^{\circ}23'11"$, a radius of 50.00', a chord of N $03^{\circ}35'54"E-87.62'$, for a arc length of 106.80' to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 THRU 03/29/2017.

COORDINATES AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF - 0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC. 8810 WILL CLAYTON PARKWAY SUITE F HUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524 HPClara 0.047 ac.DOC

CHECKED 5/30/17

APPROVED.

Exhibit "1"

EASEMENT CONVEYANCE

STATE OF TEXAS

COUNTY OF HARRIS

GRANTOR:

USA Waste of Texas Landfills, Inc., a Delaware Corporation

GRANTOR'S MAILING ADDRESS:

1001 Fannin, Suite 4000 Houston, Texas 77002

GRANTEE:

CITY OF HOUSTON, a municipal corporation situated in Harris, Fort Bend and Montgomery Counties, Texas.

GRANTEE'S MAILING ADDRESS:

P. O. Box 1562 Houston, TX 77251

CONSIDERATION:

Ten and No/100 (\$10.00) and other good and valuable consideration.

PROPERTY:

A permanent and perpetual 0.100 acre (4,360 square foot) right of way easement (the "Easement"), situated in the W.C.R.R. Co. Survey, Abstract No. 1185, Houston, Harris County, Texas, being a portion of Lot 12, Block 3 in the Independence Gardens Addition, recoded under Vol. 4, pg. 41 of the Harris County Map Records, (H.C.M.R.), and being more particularly described by metes and bounds on **Exhibit "A,"** attached hereto and made a part hereof (the "Property").

This conveyance of Easement is made subject to all restrictions, covenants, conditions, rights-of-way, easements, mineral reservations and royalty reservations of record, if any, in the office of the County Clerk of Harris County, Texas, but only to the extent that the same are valid and subsisting, are binding upon municipalities, and affect the Property.

Grantee shall have such access across, along, under and upon the Property, and may enter upon such Property to engage in such activities as may be necessary, requisite, convenient or appropriate in connection therewith. Grantee's rights in and to the Property shall include, without limitation, the right to clear and remove trees, growth and shrubbery from within the Easement, and the right to bring and operate such equipment thereupon as may be necessary or appropriate to effectuate the purposes for which this Easement is granted.

Grantor, for the Consideration, grants, sells and conveys to Grantee the Easement in and to the Property, together with, all and singular, the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend, all and singular, the Easement in and to the Property to Grantee and Grantee's successors or assigns against every person whosoever lawfully claiming or to claim the same or any part thereof, except as to the exceptions to conveyance and warranty set forth above, by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, these pres day of, 2018.	sents have been executed by Grantor to this
	USA Waste of Texas Landfills, Inc., a Delaware corporation
	By: Name: James A. Wilson Title: Vice President
STATE OF TEXAS §	
STATE OF TEXAS § S COUNTY OF HARRIS §	
This instrument was acknowledge , 2018, by James A. Texas Landfills, Inc., a Delaware corporation	Wilson , Vice President of USA Waste of
Not	tary Public, State of Texas
(Notary Seal)	
Approved as to Form:	
Holland Samantha Banks Assistant City Attorney	

EXHIBIT "A" EASEMENT AREA

Exhibit "A"

Being a 0.100 acre (4,360 sq. ft.) tract comprising part of Lot 12, Block 3 Independence Gardens Addition (Vol. 4, Pg. 41, Harris County Map Records); W.C.R.R. Co. Survey, A-1185, Harris County, Texas and more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod (N 13,873,394.99 E 3,059,592.89) found on the west right-of-way line of Crawford Road at the Northeast corner of Lot 11 and the Southeast corner of Lot 12, Block 3 and from which a 1/2" iron rod found at the Southeast corner of Lot 11 in the the north right-of-way line of Tanner Road (60' ROW) at its intersection with the west right-of-way line of Crawford Road bears S 02°12'40" E - 612.18'.

Thence in a Westerly direction, following a curve to the left, having a central angle of 25°57'53", a radius of 25.00', a long chord of N 71°57'12" W - 11.23' and a arc length of 11.33 feet to a 5/8 inch iron rod with aluminum cap "RPLS 4524" set for a point of reverse curve.

Thence in a Northerly direction, following a curve to the right, having a central angle of $177\,^{\circ}32'59''$, a radius of 50.00 feet, a long chord of N $03\,^{\circ}50'21''$ E - 99.98' and a arc length of 154.94' to a 5/8 inch iron rod with aluminum cap "RPLS' 4524'' set for the North corner of this 0.100 acre tract.

Thence S 02°12'40" E along the west right-of-way line of Crawford Street a distance of 103.31 feet to the POINT OF BEGINNING.

SURVEYED ON THE GROUND: 08/15/2016 thru 03/29/2017

COORDINATE AND BEARINGS BASED ON TEXAS COORDINATE SYSTEM NAD83 SOUTH CENTRAL ZONE CSF - 0.9990418

SEPARATE MYLAR DRAWING ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION

MARTIN OLSON SURVEY INC: 8810 WILL CLAYTON PARKWAY SUITE F RUMBLE, TX 77338 281-446-8899 FIRM REGISTRATION NO. 10194114

KEVIN A. OLSON

TEXAS REGISTERED PROFESSIONAL SURVEYOR NO. 4524

HPCRAWFORDCLOSING2016 0.100AC.DOC

CHECKED

. . . .

APPROVED_

I, ANNA RUSSELL, City Secretary of the City of Houston, Texas, do hereby certify that the within and foregoing is a true and correct copy of Ordinance 2018-715 passed and adopted by the City Council of said City on the 12th day of September, 2018, as the same appears in the records in my office.

WITNESS my hand and the Seal of said City this 21st day of September, 2018.

Anna Russell

City Secretary of the City of Houston

RP-2018-463790
Pages 31
10/10/2018 09:29 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$132.00

RECORDERS MEMORANDUM
This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law. THE STATE OF TEXAS COUNTY OF HARRIS I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.

OF HARAIS COUNTY

COUNTY CLERK HARRIS COUNTY, TEXAS

Mehgan Taack

From: Myra Jefferson <myraajefferson@gmail.com>

Sent: Tuesday, June 28, 2022 3:59 PM

To: Mehgan Taack
Cc: Myra Jefferson

Subject: Error-File Size Exceeds Limit: Formal Comments and Attachments by Myra Jefferson in

Opposition to MSW-2185A

Attachments: FedEx Scan 2022-06-27_15-10-10.pdf

Hi Mehgan,

As discussed, I am emailing my June 28, 2022, Formal Comment and attachments in Opposition to MSW-2185A, Hawthorn Park Recycling and Disposal Facility to you because the file size exceeds the limit. Thanks in advance for submitting it on your end.

Myra Jefferson 5417 Gessner Road Houston, Texas 77041 myraajefferson@gmail.com 281-389-0237

Debbie Zachary

From:

PUBCOMMENT-OCC

Sent:

Monday, June 6, 2022 8:31 AM

To:

PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

TCEQPermitMSW2185AMyraJeffersonPublicComment05-21-2022UPDATED06-05-2022.

pdf

From: myraajefferson@gmail.com < myraajefferson@gmail.com >

Sent: Sunday, June 5, 2022 8:46 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Myra Jefferson

EMAIL: myraajefferson@gmail.com

COMPANY:

ADDRESS: 5417 GESSNER RD HOUSTON TX 77041-7405

PHONE: 2813890237

FAX:

COMMENTS: See attached Formal Public Comments submitted by Myra Jefferson In Opposition to TCEQ Permit Number MSW-2185A on June 5, 2022, consisting of two pages. Thank you.

Formal Public Comments Submitted by Myra Jefferson In Opposition to TCEQ PERMIT NUMBER MSW-2185A Hawthorn Park Recycling and Disposal Facility

Page 1 of 2 June 5, 2022

- 1. Based on the Permit, in Part 1, page 3, paragraph 2, USA Waste of Texas Landfills, Inc. (Waste Management) petitioned to and purchased from the City of Houston portions of the Rights-of-Way knowingly and intentionally to evade TAC Title 30 which states, "no solid waste unloading, storage, disposal, or processing operations shall occur within any easement, buffer zone, or right-of-way that crosses the facility." Maliciously, "so that the West, Central, and East Blocks of the Hawthorn Park Landfill (HPL) will be connected under Permit No. MSW-2185A", which constitutes a deficiency in the permit for which TCEQ must return the application. And the City of Houston aided and abetted by failing to notify Carverdale landowners of the Rights-of-Way Sale; but, to no avail because in Texas covenants go with the land.
- 2. On page 3, paragraph 2, of the Permit, Waste Management states, "Current Permit No. MSW-2185 retains the rights of way for Clara Rd., Olga Ln., and Crawford Rd. located within the permitted area", which is deceptive, factually inaccurate, and constitutes a deficiency in the Permit for which TCEQ must return the application because the Rights-of-Way are not permitted realty even though they are located within the permitted area.
- 3. Based on the PAA, Waste Management attempted to eliminate the Rights-of-Way that crosses the facility under Permit No. MSW-2185, but the TNRCC prevented it on 4/17/1995, which resulted in an approved amendment that reduced the acreage by 4.1 acres; therefore, this attempt by Waste Management to eliminate the Rights-of-Way under MSW-2185A is defiant and malicious and constitutes a deficiency in the permit for which TCEQ must return the application.
- 4. Based on the Permit, Waste Management does not own the Rights-of-Way under MSW-2185; therefore, their attempt to utilize the Rights-of-Way for landfill expansion under MSW-2185A is deceptive, malicious, and constitutes a deficiency in the permit for which TCEQ must return the application.
- 5. Based on the Permit, Waste Management has concealed, disguised, and refused to disclose the legal descriptions of the Rights-of-Way that crosses the facility (that needed to be disclosed) without which it is impossible to determine exactly what realty Waste Management plans to permit under TCEQ Permit No. MSW-2185A, which constitutes a deficiency in the PAA for which TCEQ must return the application. For example, USA Waste of Texas Landfills, Inc. has refused to disclose the amended size of the Center Block which, if disclosed, would reveal the concealed Rights-of-Way. Moreover, Waste Management has disguised the Rights-of-Way as utility easements to be abandoned in Figure 1-A-5 APPENDIX IA GENERAL LOCATION MAPS, but Rights-of-Way are not utility easements to be abandoned and are not disclosed as such on Page 7, Section 4.2. Waste Management's mishandling of the Rights-of-Way imitates the Aquarium Ferris Wheel Case. (See Marine Attractions v. City, 224 2d 337, 338 (Fla. Dist. Ct. App. 1969) ("See Rothkopf, Zoning and Planning, cc.23.59. Affirmed, LILES, C.J., and PIERCE, J., concur.").
- 6. Based on the PAA it is impossible to determine viability of design for safety of construction workers or landowners which constitutes a deficiency in the permit for which TCEQ must return the application, because instead of building below ground in raw earth materials Waste Management proposes to construct in a residential neighborhood a Permanent Mountain of Trash or Disposal Facility comprised of construction debris over existing landfill waste, which could disturb the final cover and risk ground water contamination.
- 7. In 1.1 Permit History, page 1-2, of the Permit, Waste Management states, "A closed Type IV MSW Landfill (Permit No. MSW-1135) is located southwest of the Center Block. This closed landfill is not part of Permit No. MSW-2185; it is being added to the facility's permit boundary via this PAA", which is deceptive and constitutes a deficiency in the permit for which TCEQ must return the application based on the May 1, 2000, letter of Completion of Post-Closure Care Period and Permit Expiration Permit No. 01135, in Part III, page 20,

Formal Public Comments Submitted by Myra Jefferson In Opposition to TCEQ PERMIT NUMBER MSW-2185A Hawthorn Park Recycling and Disposal Facility

Page 1 of 2 June 5, 2022

Attachment 7, Closure Plan, from the TNRCC which states, "no additional waste disposal activities may be conducted at this site unless they be authorized by a new MSW permit." And MSW-2185A is an amendment—not a new permit. Additionally, based on the permit, USA Waste of Texas Landfills, Inc. owned Closed Landfill No. MSW-1135 under MSW-2185.

- 8. Based on the PAA, the expansion of the Hawthorn Park RDF will add a total of 38.6 acres to the facility's existing permit boundary and will result in a total permit boundary of 210.2 acres which is deceptive, misleading, and constitutes a deficiency in the permit for which TCEQ must return the application, because the Detention Pond is part of the landfill operation but it is situated outside the Landfill boundary in the 76.5-acre frontage (Commercial Reserve) at Tanner and Gessner, the only land in Carverdale large enough for economic development or educational infrastructure, the absence of which removes the ability of the neighborhood to thrive or live, work, and learn in a healthy environment, in violation of Title VI Compliance at TCEQ.
- 9. As shown in the PAA, Part 1, Page 2-3, Section 1.2, Supplementary Technical Report, Waste Management gives a deceptive description of things that will comprise the 41.8 acres of non-waste disposal area which constitutes a deficiency in the permit for which TCEQ must return the application, for example: Waste Management states, "...The 41.8 acres of non-waste disposal area is designated for "...landfill access road..." And road refers to just one singular road which conceals and highlights what Waste Management intends to do with the other Rights-of-Way that crosses the facility. Additionally, the phrase "...a concrete crushing and recycling facility and offices..." implies that, if the permit is approved, "a concrete crushing and recycling facility and offices" will not be terminated; rather, kept once the boundary or acre-requirements are met.
- 10. Based on the PAA, Waste Management gives the following vague descriptions of the site entrance which constitutes a deficiency in the permit for which TCEQ must return the application because it impossible to determine where is the site entrance: In Part 1, page 1, paragraph 1, Introduction, Section 1.0, Waste Management states, "The facility is located at 10550 Tanner Road, approximately 500 feet east of Beltway 8 (Sam Houston Parkway), north of Tanner Road, in Houston, Harris County, Texas." In Part 1, page 3, paragraph 2, Waste Management states, "The entrance to the Hawthorn RDF will be located south of the current West Block disposal area." In Part 1, page 5, Section 2.0 Facility location, Waste Management states, "The site entrance is located at 10550 Tanner Road, approximately 0.2 miles east of the intersection of West Sam Houston Parkway and Tanner Road, In Houston, Harris County, Texas."
- 11. Based on this PAA, neither Waste Management nor any Authority performs protective testing for humans or the environment, which constitutes a deficiency in the permit for which TCEQ must return the application.
- 12. Tanner Road is a two-lane street that does not have the capacity to manage increased traffic related to the Landfill expansion, which constitutes a deficiency in the permit for which TCEQ must return the application.
- 13. Tanner Road currently floods and does not have the capacity to manage increased flooding related to the Landfill expansion which constitutes a deficiency in the permit for which TCEQ must return the application.
- 14. Carverdale landowners experience emotional distress and depression and anxiety for a myriad of reason related to the landfill expansion including but not limited to the following which constitutes a deficiency in the permit for which TCEQ must return the application: a) property devaluation b) rising property taxes c) deliberate disinvestment d) gentrification e) displacement f) serious health concerns g) excess mortality h) dangerous and unsafe facility I) facility projects negative image of private citizens in Carverdale j) facility prevents neighborhood from thriving.

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Thursday, May 26, 2022 11:32 AM

To:

PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

TCEQPermitMSW2185AMyraJeffersonPublicComment05-21-2022.pdf

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MSW

From: myraajefferson@gmail.com < myraajefferson@gmail.com >

Sent: Monday, May 23, 2022 6:10 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK RECYCLING AND DISPOSAL FACILITY

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Myra Jefferson

EMAIL: myraajefferson@gmail.com

COMPANY:

ADDRESS: 5417 GESSNER RD HOUSTON TX 77041-7405

PHONE: 2813890237

FAX:

COMMENTS: See attached Public Comments submitted by Myra Jefferson on May 23, 2022.

Public Comments Submitted by Myra Jefferson

Page | 1 May 23, 2022

- 1. Waste Management has concealed, disguised, excluded, omitted, and refused to disclose a clear or legal description of the Rights of Way that needed to be disclosed without which it is impossible to determine exactly what realty is being permitted under TCEQ Permit No. MSW-2185A, which constitutes a deficiency in the PAA. Nonetheless, per TAC Title 30, Part 1, Chapter 330, Subchapter M, Rule 330.543, Easement and Buffer Zones Easement protection: (a) "... no solid waste unloading, storage, disposal, or processing operations shall occur within any easement, buffer zone, or right-of-way that crosses the facility, for example: Clara Road from its northern terminus (at Olga) south to the proposed cul-de-sac at Tanner Rd. Crawford Road from its northern terminus (at Olga) south to the proposed cul-de-sac at Tanner Rd. Unnamed Road (Dancy) from its western terminus (at Olga) east to Clara Rd.
- 2. On page 3, paragraph 2, the PAA states, "Current Permit No. MSW-2185 retains the rights of way for Clara Rd., Olga Ln., and Crawford Rd. located within the permitted area" which is factually misleading or incorrect and constitutes a deficiency in the PAA because the Rights of Way realty are not attached to the Registration for Permit No. MSW-2185; rather, the rights of way are virgin land that have never been permitted and Waste Management does not own the Rights of Way in MSW-2185.
- 3. On page 3, paragraph 2, the PAA states, "Portions of the rights of way have been released by the City of Houston and purchased by USA Waste so that the existing West, Central, and East Blocks will be connected under Permit No. MSW-2185A" which is factually misleading and incorrect because The City of Houston sold rights of way to USA Waste of Texas, Inc. that cannot be utilized for landfill expansion because Rights of Way carry protections per TAC Title 30, Part 1, Chapter 330, Subchapter M, Rule 330.543, Easement and Buffer Zones Easement protection: (a) "... no solid waste unloading, storage, disposal, or processing operations shall occur within any easement, buffer zone, or right-of-way that crosses the facility, for example: Clara Road from its northern terminus (at Olga) south to the proposed cul-de-sac at Tanner Rd. Crawford Road from its northern terminus (at Olga) south to the proposed cul-de-sac at Tanner Rd. Unnamed Road (Dancy) from its western terminus (at Olga) east to Clara Rd. Accordingly, Waste Management may not include the Rights of Way in the Waste Disposal area.
- 4. Section 4.2 Easements is factually misleading because it does not disclose a clear or legal description of the Easements or Rights of Way that crosses the site without which it is impossible to determine exactly what realty is being permitted and what easements are being abandoned under TCEQ Permit No. MSW-2185A.
- 5. Pursuant to the TAC Title 30, Part 1, Chapter 330, Subchapter M, Rule 330.543, Easement and Buffer Zones Easement protection, on 4/17/1995, the TNRCC prevented the inclusion of the Rights of Way in Permit No. MSW-2185 by approving an amendment which reduced the acreage by 4.1 acres.
- 6. Per page 3, paragraph 2, in violation and gross disregard of TAC Title 30, Part 1, Chapter 330, Subchapter M, Rule 330.543, Easement and Buffer Zones Easement protection, USA Waste of Texas Landfills, Inc. (Waste Management) knowingly and intentionally purchased the Rights-of-Way "so that the West, Central, and East Blocks of the Hawthorn Park Landfill (HPL) will be connected under Permit No. MSW-2185A," in a malicious attempt to process solid waste in the rights of way but to no avail because "no solid waste unloading, storage, disposal, or processing operations shall occur within any easement, buffer zone, or right-of-way that crosses the facility" per TAC Title 30, Part 1, Chapter 330, Subchapter M, Rule 330.543, Easement and Buffer Zones Easement protection.

Page | 2 May 23, 2022

- 7. According to the TAC Title 30, Part 1, Chapter 330, Subchapter B, Rule 330.71, Duration and Limits of Registrations and Permits: (e) "...a registration or permit is attached to the realty to which it pertains and may not be transferred from one facility to another." Accordingly, the realty attached to TCEQ Permit No. MSW-2185 does not include the Rights of Way and therefore USA Waste of Texas Landfills, Inc. (Waste Management) cannot transfer the Rights of Way to its new facility Hawthorn Park Disposal and Recycling Facility under TCEQ Permit No. MSW-2185A. Regardless, pursuant to TAC Title 30, Part 1, Chapter 330, Subchapter M, Rule 330.543, Easement and Buffer Zones Easement protection: (a) "... no solid waste unloading, storage, disposal, or processing operations shall occur within any easement, buffer zone, or right-of-way that crosses the facility.
- 8. The Hawthorn Park Landfill (HPL) "name change" appears to a scheme to divert attention away from or conceal its major change in "facility-type" from a below ground Landfill TCEQ Permit No. MSW-2185 Hawthorn Park Landfill to an above ground Disposal Facility TCEQ Permit No. MSW-2185A Hawthorn Park Recycling and Disposal Facility which constitutes a discrepancy in the PAA based on TAC Title 30, Part 1, Chapter 330, Subchapter B, Rule 330.71, Duration and Limits of Registrations and Permits: (e) "...a registration or permit is attached to the realty to which it pertains and may not be transferred from one facility to another." Accordingly, the realty attached to Registration or Permit No. MSW-2185 Hawthorn Park Landfill may not be transferred to Hawthorn Park Recycling and Disposal Facility under MSW-2185A.
- 9. Based on the PAA The Hawthorn Park Landfill (HPL) started on April 12, 1994, and it has less than four years of disposal capacity remaining, but Waste Management does not want to close the HPL. Therefore, USA Waste of Texas Landfills applied to the Texas Commission on Environmental Quality for a permit amendment which, if approved, it would extend the active life of the HPL 46.5 more years in the future by introducing a loophole to avoid closure which entails installing a Disposal Facility, a permanent Mountain of Trash, called the Hawthorn Park RDF, on top of the Existing Landfill Waste, even though it could result in the disturbance of the final cover.
- 10. Pursuant to TAC Title 30, Part 1, Chapter 330, Subchapter M, Rule 330.543, Easement and Buffer Zones Easement protection: (a) "... no solid waste unloading, storage, disposal, or processing operations shall occur within any easement, buffer zone, or right-of-way that crosses the facility. For example, the following Rights of Way crosses the HPL are carry protections: Clara Road from its northern terminus (at Olga) south to the proposed cul-de-sac at Tanner Rd. Crawford Road from its northern terminus (at Olga) south to the proposed cul-de-sac at Tanner Rd. Unnamed Road (Dancy) from its western terminus (at Olga) east to Clara Rd.
- 11. Based on this PAA, USA Waste of Texas Landfills has concealed, disguised, excluded, omitted, and refused to disclose a clear or legal description of the Rights of Way that needed to be disclosed without which it is impossible to determine exactly what realty is being permitted under TCEQ Permit No. MSW-2185A, which constitutes a discrepancy in the PAA. For example, USA Waste of Texas Landfills has disguised the Rights of Way as Easements to be Abandoned in Figure 1-A-5, APPENDIX IA GENERAL LOCATION MAPS but to no avail because "no solid waste unloading, storage, disposal, or processing operations shall occur within any easement, buffer zone, or right-of-way that crosses the facility" per TAC Title 30, Part 1, Chapter 330, Subchapter M, Rule 330.543, Easement and Buffer Zones Easement protection. (See Marine Attractions v. City, 224 2d 337, 338 (Fla. Dist. Ct. App. 1969) ("See Rothkopf, Zoning and Planning, cc.23.59. Affirmed, LILES, C.J., and PIERCE, J., concur.").

- 12. The PAA is absent a clear or legal description of the Rights of Way that needed to be disclosed without which it is impossible to determine exactly what realty is being permitted under TCEQ Permit No. MSW-2185A which constitutes a deficiency in the PAA, for which the TCEQ must return the application to USA Waste of Landfills, Inc.
- 13. USA Waste of Texas Landfills, Inc. has omitted the amended size of the Center Block, which constitutes a deficiency in the PAA because, if disclosed, it would reveal the concealed Rights of Way.
- 14. According to this PAA, 1.1 Permit History, page 1-2, "A closed Type IV MSW Landfill (Permit No. MSW-1135) is located southwest of the Center Block. This closed landfill is not part of Permit No. MSW-2185; it is being added to the facility's permit boundary via this PAA." However, based on the May 1, 2000, letter from the TNRCC, regarding Completion of Post-Closure Care Period and Permit Expiration Permit No. 01135, "no additional waste disposal activities may be conducted at this site unless they be authorized by a new MSW permit." Accordingly, the inclusion of the closed Type IV MSW Landfill is a deficiency based the May 1, 2000, Letter from the TNRCC.
- 15. According to this PAA, the expansion of the Hawthorn Park RDF will add a total of 38.6 acres to the facility's existing permit boundary and will result in a total permit boundary of 210.2 acres, however, Waste Management's Detention Pond is situated outside the Landfill boundary, in the 76.5-acre frontage (Commercial Reserve) at Tanner and Gessner, the only land in Carverdale large enough for economic development or educational infrastructure. Waste Management's location of the Detention Pond is a deficiency in the PAA that removes the ability of the neighborhood to live, work, and learn in a healthy environment in violation of Title VI Compliance at TCEQ.
- 16. The PAA lacks transparency in determining viability of design for safety because Waste Management proposes to build a Disposal Facility, or Mountain of Trash, comprised of construction debris over existing landfill waste instead of below ground in raw earth materials.
- 17. Based on this PAA, Waste Management fails to perform protective testing for humans or the environment, which raises serious health concerns for the landowners of Carverdale.
- 18. Tanner Road is a two-lane street that does not have the capacity to manage the increased traffic projections related to the Landfill expansion which constitutes a deficiency in the PAA and this the PAA is absent a traffic control or contingency plan.
- 19. Tanner Road currently floods and does not have the capacity to manage the increased flood projections related to the Landfill expansion which constitutes a deficiency in the PAA and the PAA is absent a flood control or contingency plan.
- 20. Carverdale landowners have experienced emotional distress and depression and anxiety for a myriad of reasons related to the facility including: a) the facility would continue to promote deliberate disinvestment, rising property taxes, gentrification, and displacement; b) it would continue to worsen health conditions, especially asthma and other respiratory conditions; c) it would continue to cause untold cancer deaths; d) it would continue to lower property values; e) it would be exponentially more dangerous and more unsafe than a below ground landfill; f) it would continue to project a negative image on private citizens in Carverdale.; g) the neighborhood would could to fail to thrive.

MY COMMENT: I am opposed to the expansion of the existing landfill in Carverdale, the Hawthorn Park Landfill (HPL), and therefore I am asking the Texas Commission on Environmental Quality (TCEQ) to deny Permit Number 2185A, The Hawthorn Park Recycling and Disposal Facility. Additionally, I am asking the TCEQ to permanently close the HPL, the existing landfill, because it removes Carverdale's ability to thrive as a neighborhood and impedes the ability of Carverdale residents to live, work and learn in a healthy. environment. e-mail address: Mothersbabygiel@gmail.com First Name: Shaw and a Middle Name: M Last Name: Banks Company Name (if applicable): City: 837-748-0689 Fax Number (optional) You may submit your comment electronically at: www14.tceq.texas.gov/epic/eComment/ Alternate ways to Comment: Courier or hand-deliver to: Fax: 512-239-3311 Mail to: Office of the Chief Clerk, MC 105 Office of the Chief Clerk * * Note: All comments TCEQ TCEO 12100 Park 35 Circle, Bldg. F submitted by fax must be PO Box 13087 followed by a hard copy in the Austin, TX 78753 Austin, TX 78711-3087 mail within three days.

MY COMMENT: I am opposed to the expansion of the existing landfill in Carverdale, the Hawthorn Park Landfill (HPL), and therefore I am asking the Texas Commission on Environmental Quality (TCEQ) to deny Permit Number 2185A, The Hawthorn Park Recycling and Disposal Facility. Additionally, I am asking the TCEQ to permanently close the HPL, the existing landfill, because it removes Carverdale's ability to thrive as a neighborhood and impedes the ability of Carverdale residents to live, work and learn in a healthy environment.

e-mail address: Sherron robert 550 gmail com	APR 12 2022 By Gau
First Name Name: Last Name: Roberts	
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Phone Number: <u>22/-901-7578</u> Fax Number (optional)	
You may submit your comment electronically at: www14.tceq.texas.gov/epic	/eComment/

Alternate ways to Comment:

M	ail to:	Courier or hand-deliver to:	Fax: 512-239-3311
Of	fice of the Chief Clerk, MC 105	Office of the Chief Clerk	
TC	EQ	TCEQ	* * Note: All comments
PC) Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
Au	ıstin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the
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Mailing Address: 10238 Porto Rico	I AM 9	
City: Houston State: TX ZIP Code:	17041	NZ NZ
Phone Number: 832-935-08 Fax Number (optional)		

You may submit your comment electronically at: www14.tceq.texas.gov/epic/eComment/

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Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
TCEQ	TCEQ	* * Note: All comments
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e-mail address: Core y Adouglas De yahoo. Com	APR 1	2 2022	NASSA PORTA
First Name: Corey Middle Name: A Last Name: Douglas	2 F	2027 AF	0 m
Company Name (if applicable):	CLERKS	Ã 	OUALITY OF THE PROPERTY OF THE
First Name: Corey Middle Name: A Last Name: Douglas Company Name (if applicable): Mailing Address: 9911 Tangiers	OFFICE		- AL
City: Houston State: TX ZIP Code:			
Phone Number: 713 246-78 20 Fax Number (optional)			
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Alternate ways to Comment:

, radin, rx 70711 3007	Austri, 1X 70733	mail within three days.
Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the
PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
TCEQ	TCEQ	* * Note: All comments
Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311

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e-mail address: friviac douglas at yahoo. Com	- 6a	V_	
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Phone Number: 713-410 3068 Fax Number (optional)			
You may submit your comment electronically at: www14.tceq.texas.gov/e	pic/eCommeı	nt/	

Alternate ways to Comment:

Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
TCEQ	TCEQ	* * Note: All comments
PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the mail within three days.

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e-mail address: Carol_herr	on at yahoo.com	APR 12		
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Alternate ways to Comment:				
Mail to: Office of the Chief Clerk, MC 105 TCEQ PO Box 13087 Austin, TX 78711-3087	Courier or hand-deliver to: Office of the Chief Clerk TCEQ 12100 Park 35 Circle, Bldg. F Austin, TX 78753	* * Note: All comment submitted by fax must followed by a hard cop mail within three days.	be y in the	

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First Name: Michael Mi	iddle Name: LMC Last Name:_	Herron
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Company Name (if applicable): Mailing Address: 10275 City: Houston	State: Texas	ZIP Code: 7704/
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You may submit your comme	nt electronically at: www14.tceq	.texas.gov/epic/eComment/
Alternate ways to Comment:		
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e-mail address: marilynn. bailey 5478@yaha	<u> </u>	<u> </u>	1
First Name: Marilynn Middle Name: Last Name: Bailey			
Company Name (if applicable):	Ai Dy E	PR 12 Scu	
Mailing Address: 9826 Bamboo Rd.	CHIEF CL	2022 APR	
Mailing Address: 9826 Bamboo Rd. City: Houston State: TX. ZIP Code: Phone Number: 832-493-208 Fax Number (optional)	7 9 0	三) <u></u> 年/	
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You may submit your comment electronically at: www14.tceq.texas.gov/epic	/eComme	ent/	

Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
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PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
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Alternate ways to Comment:			
Mail to: Office of the Chief Clerk, MC 105 TCEQ PO Box 13087 Austin, TX 78711-3087	Courier or hand-deliver to: Office of the Chief Clerk TCEQ 12100 Park 35 Circle, Bldg. F Austin, TX 78753	* * Note: All comments submitted by fax must followed by a hard cop mail within three days.	be y in the

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e-mail address: Sreya 1079@ yahao.com	or Gau
First Name: Avery Middle Name: Last Name: Ayers	ON ENVIRONMENTAL 2022 APR II AM 9: 54 CHIEF CLERKS OFFICE
Company Name (if applicable):	S M S
Mailing Address: 10235 moracco Rd	9: 54
City: Houston State: TX ZIP Code:	77041
Phone Number: 713 - 466 - 6014 Fax Number (optional)	
You may submit your comment electronically at: www14.tceq.texas.gov/ep	oic/eComment/

Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
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Phone Number: <u>291-978-0</u>	366 Fax Numbe	r (optional)
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You may submit your comment electronically at: www14.tceq.texas.gov/epic/eComment/

Alternate ways to Comment:

Austin, TX 78711-3087

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Fax: 512-239-3311

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City: State: ZIP Code	: <u>1704</u>	
Phone Number: M. 415/100Fax Number (optional)		
You may submit your comment electronically at: www14.tceq.texas.gov/e	epic/eComme	nt/

Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
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e-mail address: Myrac Jeffersond	ognail.com
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city: Houston State: TX	ZIP Code: 7704
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You may submit your comment electronically at: www14.tceq.texas.gov/epic/eComment/

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Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
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Office of the Chief Clerk

Austin, TX 78753

12100 Park 35 Circle, Bldg. F

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mail within three days.

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Office of the Chief Clerk, MC 105

TCEQ

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e-mail address: Cynthia -	tates (2) 3be	9/obg/. net
	ddle Name:Last Name:	TATES
Company Name (if applicable):		CHIEF NO NO EN
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city: Houston	State: TEXA	S ZIP Code: 7805/A
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You may submit your comme	nt electronically at: www14.tceo	q.texas.gov/epic/eComment/
Alternate ways to Comment:		
Mail to: Office of the Chief Clerk, MC 105 TCEQ PO Box 13087 Austin, TX 78711-3087	Courier or hand-deliver to: Office of the Chief Clerk TCEQ 12100 Park 35 Circle, Bldg. F Austin, TX 78753	* * Note: All comments submitted by fax must be followed by a hard copy in the mail within three days.

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e-mail address: Mrbbizn	ez 48 agmail. Co	n)
First Name: Melody Mi	ddle Name: Rast Name:	Banks 9 1 9
Company Name (if applicable):		APR - L
Mailing Address: 10122	Porto Rico	EF CLERKS OFFICE
city: Houston	State: TX	ZIP Code:
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e-mail address: Beverly	HST@ Q01.COM			
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Austin, TX 78753

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PO Box 13087

Austin, TX 78711-3087

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e-mail address: doliving @ gol. com	
First Name: Doyaline Middle Name: M Last Name: Livingston 3 8	
Company Name (if applicable): Company Name (if applicable):	
Mailing Address: 10119 Hardison La. Houston, TX.7704	
city: Houston State: Texas ZIP Code: 77041	
Phone Number: 113 - 203 - 8659 Fax Number (optional) Fax 12 2022	

You may submit your comment electronically at: www14.tceq.texas.gov/epic/eComment/

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e-mail address: <u>Calejeff</u>	Terson 232 My. 10	nestar.edu	
First Name: <u>Caleb</u> M	iddle Name:Last Name:	Jefferson	
Company Name (if applicable):		ASS 12 and	
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e-mail address: Noemia 2	Q hot moil.com	
First Name: Ana Mic	ddle Name: <u>ル</u> Last Name:	Mayola
Company Name (if applicable):		AR 12 ma
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Phone Number: 832848	- 26 9 3 Fax Number ((optional)
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You may submit your commer	nt electronically at: www14.tceq.	
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e-mail address: PASFORCES	mith sp. Oontlook	E. Com		,	
First Name: Calula Mic	ddle Name: \mathcal{E} Last Name	. Smith		Mall Unit	N W
Company Name (if applicable):	t. James M.B.C	ĭ ⁄.	CLERKS OFFICE		
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You may submit your comme	nt electronically at: www14.tce	eq.texas.gov/epic/	eComme	nt/	
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Office of the Chief Clerk

Austin, TX 78753

12100 Park 35 Circle, Bldg. F

* * Note: All comments

submitted by fax must be

followed by a hard copy in the mail within three days.

TCEQ

Office of the Chief Clerk, MC 105

TCEQ

PO Box 13087

Austin, TX 78711-3087

e-mail address:	23 @ Jahro. com		
First Name: Ruth Mi	iddle Name:Last Name:	Smith	# 2 2 2
Company Name (if applicable):			
Mailing Address: 10222	Porto Rico 1		M 9:55
city: Hous ton	State: TX	后 ZIP Code: <u>7704</u> /	
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Mail to: Office of the Chief Clerk, MC 105 TCEQ PO Box 13087 Austin, TX 78711-3087	Courier or hand-deliver to: Office of the Chief Clerk TCEQ 12100 Park 35 Circle, Bldg. F Austin, TX 78753	* * Note: All comments submitted by fax must be followed by a hard copy in mail within three days.	the

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PO Box 13087

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e-mail address: VICtor/	ebert@iclou	id. Com
First Name: Victor Mi	iddle Name: <u>£</u> ,_Last Name:	Hebertsie on
Company Name (if applicable):		
Mailing Address: 565(Triway Ln.	S OFFICE
city: Louston	State:	ZIP Code: 77041
Phone Number: 9/0,26	7. 3450 Fax Number	AF3 12 7072
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Alternate ways to Comment:		
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PO Box 13087 Austin, TX 78711-3087	12100 Park 35 Circle, Bldg. F Austin. TX 78753	submitted by fax must be followed by a hard copy in the

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Mailing Address: 9838	Bamboo Rd	APR 12 7072 H
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Mail to: Office of the Chief Clerk, MC 105 TCEQ PO Box 13087 Austin, TX 78711-3087	Courier or hand-deliver to: Office of the Chief Clerk TCEQ 12100 Park 35 Circle, Bldg. F Austin, TX 78753	* * Note: All comments submitted by fax must be followed by a hard copy in the mail within three days.

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Mail to: Office of the Chief Clerk, MC 105 TCEQ PO Box 13087 Austin, TX 78711-3087	Courier or hand-deliver to: Office of the Chief Clerk TCEQ 12100 Park 35 Circle, Bldg. Austin, TX 78753	* * Note: All comment	be y in the			

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e-mail address:			
First Name: Wichard M	iddle Name:Last Name:	Jack	son
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Company Name (if applicable):			- 270 ° ° 782 7
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PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax	

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Austin, TX 78753

Austin, TX 78711-3087

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e-mail address:		AFR 12 7777				
First Name: Joseph Mi	ddle Name: <u>H</u> Last Name:_					
Company Name (if applicable):		CLEAKS				
Mailing Address: 10131 &	rover hn.					
City: Houston	State: TRUAS	ZIP Code: <u>77041</u>				
Phone Number: 832·364-9509 Fax Number (optional)						
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Mail to: Office of the Chief Clerk, MC 105 TCEQ PO Box 13087 Austin, TX 78711-3087	Courier or hand-deliver to: Office of the Chief Clerk TCEQ 12100 Park 35 Circle, Bldg. F Austin, TX 78753	* * Note: All comments submitted by fax must be followed by a hard copy in the mail within three days.				

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dirección de correo electrónico:	APR 2 2022 The Gaw
Nombre: Maria Segundo nombre: Apellido: K	OMAN F BONS
Nombre de la empresa (si corresponde):	WALL SANS
Dirección postal: 10235 bamboo Ra	N 9: 56
Ciudad: HOUSTON Estado: Texas Códig	go postal: 77041
Número de teléfono: 832 4617511 Número de fax (opcio	nal)
Puede enviar su comentario electrónicamente a: www14.tceq.texas.go	v/epic/eComment/

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e-mail address:		APR 12 202 7 Dy 6cu	
First Name: Charles Mi	ddle Name:Last Name:		******
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city: Houston	State: TCX-GS	ZIP Code: 770 9	
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You may submit your comment electronically at: www14.tceq.texas.gov/epic/eComment/			
Alternate ways to Comment:			
Mail to: Office of the Chief Clerk, MC 105 TCEQ PO Box 13087 Austin, TX 78711-3087	Courier or hand-deliver to: Office of the Chief Clerk TCEQ 12100 Park 35 Circle, Bldg. F Austin, TX 78753	* * Note: All comments submitted by fax must be followed by a hard copy in the mail within three days.	

e-mail address:		7- 6w	
First Name: Harry Mi	iddle Name <u>LiNEL</u> Cast Name:_	Bailey Jr.	
Company Name (if applicable):			
Mailing Address: 9826	Bamboo Ro		
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Alternate ways to Comment:			
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e-mail address: andreammiel wicloud.com
First Name: Andre Middle Name: N. Last Name: Ammiel S. E.
Company Name (if applicable): Yardsey Fardsey
Mailing Address: 5417 Gessner Rd. # 9
City: HOUS ton State: TX ZIP Code: 77041
Phone Number: 346-360-570 Fax Number (optional) APR 12 7877
You may submit your comment electronically at: www14.tceq.texas.gov/epic/eComment/

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Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the mail within three days.

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First Name: Kenneth Mi			
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city: Houston	State: 7x	ZIP Code: 7 709/ 5	
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e-mail address:		100 600 12 2002 100 600	
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Myra Jefferson 5417 Gessmer Rd Houston, TX 77041

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FAX COVER SHEET

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FAXNUMBER	15122393311
FROM	MyraJefferson
DATE	2022-04-05 01:36:42 GMT
RE	TCEQ Permit Number 2185A, Hawthorn Park Recycling and
DisposalFacility	

COVER MESSAGE

To Whom It May Concern,

Attached are petitions submitted by Carverdale residents at the Carverdale Community Center Event on April 4, 2022. Thank you.

Myra Jefferson

From: Myra Jefferson

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

e-mail address: Mothersbabygiel@gmail.com		id.com	KEVI	
4			APR 05	
First Name: Shawanda Mi	ddle Name: MLast Name:	Banks	By 60	7
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Alternate ways to Comment:				* * * * * * * * * * * * * * * * * * *
Mail to: Office of the Chief Clerk, MC 105 TCEQ PO Box 13087 Austin, TX 78711-3087	Courier or hand-deliver to: Office of the Chief Clerk TCEQ 12100 Park 35 Circle, Bldg. F Austin, TX 78753	* * Note: All comm submitted by fax m followed by a hard	ust be copy in the	

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Austin, TX 78711-3087

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e-mail address: Sherron	roberts 50 gm	ail com		
First Name Sherron Mi	ddle Name: Last Name	Roberts	-Fowle	
Company Name (if applicable):		North Transport of State of St	REVIE	WEL
Mailing Address: 10230	Porto Rivo	Ral	APR 0!	
City: Houston	State: TX	ZIP Code:	77041	nos.
Phone Number: 29/-90/-	7578Fax Numbe	er (optional)		ioa
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Alternate ways to Comment:			Maria de Maria de La Calendaria de La Ca	
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e-mail address: <u>ag</u>	berson Dyahi	O.COM
First Name: Alfred Mic	w'	
Company Name (if applicable):		REVIEWEL
Mailing Address: 1023		APR 0 5 2022
city: Houston		
Phone Number: 832-935	- 0811 Fax Number	(optional)
You may submit your comme	nt electronically at: www14.tced	q.texas.gov/epic/eComment/
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e-mail address: Muzoffcosbog/oba/en	
First Name: Suzanne Middle Name: Last Name: UZOF	
Company Name (if applicable):	REVIEWED
Mailing Address: 10(1) Porto Ciao Rd	By Goe
City:	77041
Phone Number: 713 569-9190 Fax Number (optional)	The second section of the s
You may submit your comment electronically at: www14.tceq.texas.gov/epic	/eComment/
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Mail to: Office of the Chief Clerk, MC 105	Courier or hand-deliver to: Office of the Chief Clerk	Fax: 512-239-3311
TCEQ PO Box 13087 Austin, TX 78711-3087	TCEQ 12100 Park 35 Circle, Bldg. F Austin, TX 78753	* * Note: All comments submitted by fax must be followed by a hard copy in the mail within three days.

mail within three days.

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

e-mail address: PAVODENSON	mogmeil	
First Name Pamelo Mic		
Company Name (if applicable):		REVIEWE
Mailing Address: 10267 M	Pecco Pd.	APR 0 5 2022 By کرب
city: Houston	State:	ZIP Code:
Phone Number: 832-693	-5758 Fax Number	(optional)
You may submit your comme	nt electronically at: www14.tceq	.texas.gov/epic/eComment/
Alternate ways to Comment:		
Mail to: Office of the Chief Clerk, MC 105 TCEQ PO Box 13087 Austin, TX 78711-3087	Courier or hand-deliver to: Office of the Chief Clerk TCEQ 12100 Park 35 Circle, Bldg. F Austin, TX 78753	* * Note: All comments submitted by fax must be followed by a hard copy in the

Page: 07 of 46

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

e-mail address: Corry Adouglo	s Deyahor Con				
First Name: Corry Mi	ddle Name:Last Name;_	Douglas			
Company Name (if applicable):		REVIEWED			
		APR 0 5 2022			
Mailing Address: 9911 Ta	ngiers	By 60			
city: Houstory	State: TX	ZIP Code: 7704 /			
Phone Number: 713 246-7	Phone Number: 713 246-7830 Fax Number (optional)				
You may submit your comme	nt electronically at: www14.tcec	texas.gov/epic/eComment/			
Alternate ways to Comment:					
Mail to: Office of the Chief Clerk, MC 105	Courier or hand-deliver to: Office of the Chief Clerk	Fax: 512-239-3311			
TCEQ PO Box 13087	TCEQ 12100 Park 35 Circle, Bldg. F	* * Note; All comments submitted by fax must be			
Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the mail within three days.			

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Mailing Address: 9915	<u>langiers</u>			
city: Houston	State: TX	ZIP Code: 7704 /		
Phone Number: 713-410 3068 Fax Number (optional)				
You may submit your comment electronically at: www14.tceq.texas.gov/epic/eComment/				
Alternate ways to Comment:				
Mail to: Office of the Chief Clerk, MC 105	Courier or hand-deliver to: Office of the Chief Clerk	Fax: 512-239-3311		
TCEQ PO Box 13087	TCEQ	* * Note: All comments		
Austin, TX 78711-3087	12100 Park 35 Circle, Bldg. F Austin, TX 78753	submitted by fax must be followed by a hard copy in the mail within three days.		

e-mail address: Carol_herc	on at yahoo.com	
First Name: Carol Mi	ddle Name: ᠘٧٨٨ Last Name:	HERRON
Company Name (if applicable):		A Committee of the Comm
Mailing Address: 102.75	Algiers	APR 0 5 2022 By Gov
city: Houston	State: TCXaS	ZIP Code:
Phone Number: 832 507 5007 Fax Number (optional)		
You may submit your comment electronically at: www14.tceq.texas.gov/epic/eComment/		
Alternate ways to Comment:		
Mail to: Office of the Chief Clerk, MC 105	Courier or hand-deliver to: Office of the Chief Clerk	Fax: 512-239-3311
TCEQ	TCEQ	* * Note: All comments
PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the mail within three days.

mail within three days.

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

e-mail address: Mike herron	at yeho.com	
First Name: Michael Michael Michael	ddle Name: LANC Last Name:	Herron
Company Name (if applicable):		
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Mailing Address: 10275 A	In take	By Gau
Mailing Address: 10 2 /5	9,68	
city: Houston	State: Texes	ZIP Code: 7704/
Phone Number: 832 986 2	913 Fax Number ((optional)
	nt electronically at: www14.tceq	
Alternate ways to Comment:		
Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
TCEQ	TCEQ	* * Note: All comments
PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the

Page: 11 of 46

mail within three days.

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

e-mail address: Marilynn	. bailey 56780	@yahoo.Com
First Name: Marilynn Mi	ddle Name:Last Name:_	Bailey
Company Name (if applicable):		APR 0 5 2022
Mailing Address: 9836	Bamboo Rd.	
city: Houston	State: TX.	ZIP Code: 77041
Phone Number: 832-493	Fax Number	(optional)
You may submit your comme	nt electronically at: www14.tcec	1.texas.gov/epic/eComment/
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Alternate ways to Comment:		
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Page: 12 of 46

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

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City: HOUSTON State: TK. ZIP Code: 7754	4
Phone Number: 719462-5625 Fax Number (optional)	
You may submit your comment electronically at: www14.tceq.texas.gov/epic/eComme	nt/

Mail to: Office of the Chief Clerk, MC 105	Courier or hand-deliver to: Office of the Chief Clerk	Fax: 512-239-3311
TCEQ PO Box 13087 Austin, TX 78711-3087	TCEQ 12100 Park 35 Circle, Bldg. F Austin, TX 78753	* * Note: All comments submitted by fax must be followed by a hard copy in the mail within three days.

Page: 13 of 46

PO Box 13087

Austin, TX 78711-3087

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e-mail address: SYEY	a 1079 @ yoha.com	h
First Name: Alery Mic	ddle Name:Last Name:_	Ayers
Company Name (if applicable):		
Mailing Address: 10235 v	morarco Pd	APR 0 5 2022
city: Houston	State: 【乂	ZIP Code: 기아니
Phone Number: 713 - 41616 -	LOCIU Fax Number	(optional)
You may submit your comme	nt electronically at: www14.tceg	:texas.gov/epic/eComment/
Alternate ways to Comment:		
Mail to: Office of the Chief Clerk, MC 105 TCEQ	Courier or hand-deliver to: Office of the Chief Clerk TCEQ	Fax: 512-239-3311 * * Note: All comments

12100 Park 35 Circle, Bldg. F

Austin, TX 78753

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e-mail address: Lesherae hotm	ail·com
First Name: Teshera Middle Name:	_Last Name: Acres
Company Name (if applicable):	
Mailing Address: 10235 WORCO R	
City: HOUSTON State:	TX ZIP Code: つつび(
Phone Number: 832 906-3884	
You may submit your comment electronically at	: www14.tceq.texas.gov/epic/eComment/
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Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
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Page: 15 of 46

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

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First Name: Dandiry Mi	ddle Name: 12 Last Name:	Luwson
Company Name (if applicable):	and the same of th	
Mailing Address: 10335	Morocco Road	By Gau
city: <u>Houston</u>	State:	ZIP Code: 77041
Phone Number: <u>881-978-0</u>	366 Fax Number	(optional)
You may submit your comme	nt electronically at: www14.tceq	.texas.gov/epic/eComment/
Alternate ways to Comment:		
Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311

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Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

e-mail address: NV Wea	to/segmail.cx	m
1 to Ano	ddle Name:Last Name:_	Wells
Company Name (if applicable):		APR 0 5 2072
Mailing Address: QQD	7-Alger8	Y By Gov
city: # 108 M	State:	_ZIP Code: 104/
Phone Number: 869-15	54-500 Fax Number	(optional)
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You may submit your comme	nt electronically at: www14.tceq	
Alternate ways to Comment:		
Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
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PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the

Page: 17 of 46

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You may submit your comment electronically at: www14.tceq.texas.gov/epic/eComment/

Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
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PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the
		mail within three days.

Page: 18 of 46

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e-mail address: Myragjefferson &	gmail.com
First Name: M G C Middle Name: A Last Name:	Jefferson
Company Name (if applicable):	
Mailing Address: 5417 Gessner	APR 05 2022
city: Houston state: TX	ZIP Code: 7704
Phone Number: 281-389-0 23 1 Fax Number (or	· · · · · · · · · · · · · · · · · · ·
You may submit your comment electronically at: www14.tceq.te	xas.gov/epic/eComment/

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	PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
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Page: 19 of 46

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e-mail address:	Gragory	Hudson	071360	O Mai
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	Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
	Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
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Page: 20 of 46

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e-mail address: 1M 18	164@Gmail, 1	COM
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	6-6830 Fax Number (c	

You may submit your comment electronically at: www14.tceq.texas.gov/epic/eComment/

Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
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PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the
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Page: 21 of 46

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e-mail address: FIMDESTING POCHER® MSN.	COM
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City: HOUSTON State: The ZIP Code:	
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You may submit your comment electronically at: www14.tceq.texas.gov/ep	oic/eComment/

Alternate ways to Comment:

Mail to:
Office of the Chief Clerk, MC 105
TCEQ
PO Box 13087
Austin, TX 78711-3087

Courier or hand-deliver to:
Office of the Chief Clerk
TCEQ
12100 Park 35 Circle, Bldg. F
Austin, TX 78753

Fax: 512-239-3311

** Note: All comments submitted by fax must be followed by a hard copy in the mail within three days.

Page: 22 of 46

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e-mail address: Cynthae - Lates @ 3609/oba	Linet
First Name 41/11 Middle Name: 12. Last Name: 14	135
Company Name (if applicable):	Land to the form has
Mailing Address: 9906 SEAVARD DE	APR 0 5 2022 By Gau
City: Houston State: TEXAS ZIP Co	ode: 7004/
Phone Number 28/-65-1293 Fax Number (optional)	portraction and the second sec
You may submit your comment electronically at: www14.tceq.texas.go	v/epic/eComment/

	Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
1	Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
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. !	PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
The second secon	Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the mail within three days.

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e-mail address: Mrbbiznez 48 agmail. com			
First Name: Melody Middle Name: R Last Name:	Banks		
Company Name (if applicable):	REVIEWED		
Mailing Address: 10122 Porto Rico	APR 0 5 2022 By 600		
city: Houston state: TX	_ZIP Code: 7 7 04 1		
Phone Number: 713-466-6200 Fax Number (c	optional)		
You may submit your comment electronically at: www14.tceq.t	exas.gov/epic/eComment/		

	Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
	Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
	TCEQ	TCEQ	* * Note: All comments
	PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
	Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the
			mail within three days.
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Page: 24 of 46

From: Myra Jefferson

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

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Mailing Address: 10235 MOR	0000	6 SW
city: Houston	State: 11	ZIP Code: 77041
Phone Number: 3-81 - 9 78-03 L	e7Fax Numbe	er (optional)
You may submit your comment electi		eq.texas.gov/epic/eComment/

	Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
	Office of the Chief Clerk, MC 105	Office of the Chief Clerk	ļ .
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-	PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
	Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the
			mail within three days.
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Page: 25 of 46

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e-mail address: COIVING @ GOL.	<u>COM</u> APR 0 5 2022
First Name: Doyaline Middle Name: M	San
Company Name (if applicable):	
Mailing Address: 10119 Hardison	La. Houston, Tx. 77041
City: Houston State:	Texas zipcode: 7704(
Phone Number: 713 - 203 - 8659	Fax Number (optional)

You may submit your comment electronically at: www14.tceq.texas.gov/epic/eComment/

-	Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
	Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
-	TCEQ	TCEQ	* * Note: All comments
	PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
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Page: 26 of 46

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e-mail address: <u>Cale jefferson 23 amy lonestar, edu</u>
First Name: Caleb Middle Name: A Last Name: Jefferson
Company Name (if applicable): APR 6 5 2022
Mailing Address: 5417 Gessner Road
City: HOUSton State: TX ZIP Code: 77041
Phone Number: 281-550-2837 Fax Number (optional)

Alternate ways to Comment:

1	Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
	Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
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	PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
	Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the
			mail within three days.
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Page: 27 of 46

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e-mail address: Noemia 2 Q hat mail. com	
First Name: Ana Middle Name: Name:	Mayola
Company Name (if applicable):	APR () 5 2022
Mailing Address: 9906 Jangier Rd	
City: Hous fan State: 1x	ZIP Code: <u>フフのシ/</u>
Phone Number: 832848-2693 Fax Number (o	ptional)
You may submit your comment electronically at: www14.tceq.te	

	Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
	Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
	TCEQ	TCEQ	* * Note: All comments
į	PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
	Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the
			mail within three days.
		WENT SOUTH SOUTH SECRETARY	

e-mail address: 700 mia_	20 hot mail.com		
First Name: <u>Eawzalo</u> Mid	dle Name: 5 Last Name:	Monsla	
		The second second	
Company Name (if applicable):		APR 0 5 2022	
Mailing Address: 9906 7	1	Pi Gw	
City: Houses	State: 7×	ZIP Code: 7709/	
Phone Number: 832 848-26 93 Fax Number (optional)			
	nt electronically at: www14.tceq.		
Alternate ways to Comment:			
Mail to: Office of the Chief Clerk, MC 105	Courier or hand-deliver to: Office of the Chief Clerk	Fax: 512-239-3311	
TCEQ	TCEQ	* * Note: All comments	
PO Box 13087 Austin, TX 78711-3087	12100 Park 35 Circle, Bldg. F Austin, TX 78753	submitted by fax must be followed by a hard copy in the mail within three days.	
Alternate ways to Comment: Mail to: Office of the Chief Clerk, MC 105 TCEQ PO Box 13087	Courier or hand-deliver to: Office of the Chief Clerk TCEQ 12100 Park 35 Circle, Bldg. F	Fax: 512-239-3311 * * Note: All comments submitted by fax must be followed by a hard copy in the	

Page: 29 of 46

Austin, TX 78711-3087

followed by a hard copy in the mail within three days.

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

MY COMMENT: I am opposed to the expansion of the existing landfill in Carverdale, the Hawthorn Park Landfill (HPL), and therefore I am asking the Texas Commission on Environmental Quality (TCEQ) to deny Permit Number 2185A, The Hawthorn Park Recycling and Disposal Facility. Additionally, I am asking the TCEQ to permanently close the HPL, the existing landfill, because it removes Carverdale's ability to thrive as a neighborhood and impedes the ability of Carverdale residents to live, work and learn in a healthy environment.

e-mail address: PASFORCES	with se Ontlook	. Osm
First Name: Calvin Mi	iddle Name: E Last Name:	Smith
		To A second seco
Company Name (if applicable):	t. James M.B.C	AFR 0.5 2222
		By Ga
Mailing Address: 10222	Ponto Rico	
j ,		min . W
city: 4m.	State: 74.	ZIP Code:
Phone Number: 832-584	02/2 Fax Number	· (optional)
and the second s		
Andrews were the second control of the second of the State (State		MANAGEMENT AND ASSESSMENT ASSESSM
You may submit your comme	ent electronically at: www14.tce	q.texas.gov/epic/eComment/
Alternate ways to Comment:		
Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
TCEQ	TCEQ	* * Note: All comments
PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be

Austin, TX 78753

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e-mail address: Lava 1/23 @ Jahio. com	
First Name: Ruth Middle Name: Last Name: Smith	Name of the Control o
Company Name (if applicable):	AFR 0.5 2022
Mailing Address: 10222 Porto Rico Road	Gai
City: Hous fon State: TK ZIP Code:	77041
Phone Number: 832 584 14577 Fax Number (optional)	
You may submit your comment electronically at: www14.tceq.texas.gov/epic/	eComment/

Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
TCEQ	TCEQ	* * Note: All comments
PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the
		mail within three days.

Page: 31 of 46

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

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e-mail address: for himepolines Dyahoo. com				
First Name: Fontaine Middle Name: A Last Name: Church				
Company Name (if applicable): ATB				
Mailing Address: 6435 Tall Paul Cannon To Gu	<u> </u>			
City: Honston State: Tk ZIP Code: 7707	6			
Phone Number: 833 -618 - 060 / Fax Number (optional) N	ind maker 			
You may submit your comment electronically at: www14.tceq.texas.gov/epic/eCommer	nt/			

	Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
٠. ا	Office of the Chief Clerk, MC 105	Office of the Chief Clerk	A traper to the A March to the second and the
	TCEQ	TCEQ	* * Note: All comments
	PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
	Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the
			mail within three days.

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e-mail address: Victorhebert@icloud, Com
First Name: Victor Middle Name: E. Last Name: Leberts
Company Name (if applicable): AFR 05 7072 Mailing Address: 565/ Triway Ln: 560
city: 1045ton State: TX ZIP Code: 47041
Phone Number: 9/0/261, 3450 Fax Number (optional)
You may submit your comment electronically at: www14.tceq.texas.gov/epic/eComment/

Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
TCEQ	TCEQ	* * Note: All comments
PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the
		mail within three days.

Mail to:

PO Box 13087

Austin, TX 78711-3087

TCEQ

Office of the Chief Clerk, MC 105

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

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e-mail address:
First Name Sharrium Middle Name: Last Name: H: N to N
Company Name (if applicable): APR 6 5 2022
Mailing Address: 9838 Bamboo Rd
City: Haus fon State: TX ZIP Code: 77041
Phone Number: 7/35026102 Fax Number (optional)
You may submit your comment electronically at: www14.tceq.texas.gov/epic/eComment/
Alternate ways to Comment:

Courier or hand-deliver to:

12100 Park 35 Circle, Bldg. F.

Office of the Chief Clerk

Austin, TX 78753

TCEQ

Fax: 512-239-3311

* * Note: All comments

submitted by fax must be

followed by a hard copy in the mail within three days.

Page: 34 of 46

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

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e-mail address:				
First Name: YNONN & Mic		Morrell		
Company Name (if applicable):				
Mailing Address: 10115		APR 0 5 2022		
city: Houston	State: 📆 📉	ZIP Code: 77041		
Phone Number: 713-462-	Phone Number: フィール・コーム Fax Number (optional)			
The state of the s	nt electronically at: www14.tceq			
Alternate ways to Comment: Mail to: Office of the Chief Clerk, MC 105 TCEQ PO Box 13087 Austin, TX 78711-3087	Courier or hand-deliver to: Office of the Chief Clerk TCEQ 12100 Park 35 Circle, Bldg. F Austin, TX 78753	* * Note: All comments submitted by fax must be followed by a hard copy in the mail within three days.		

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e-mail address:	
First Name: WCWCL Middle Name: D Last Name: Jack 5	017
Company Name (if applicable):	APP 0 5 2022
Mailing Address: 10030 Porto Queo	57 Ga-
City: TX ZIP Code: 7	1041
Phone Number: 832-746-5902 Fax Number (optional)	
You may submit your comment electronically at: www14.tceq.texas.gov/epic/eCor	nment/
:	

Alternate ways to Comment:

Mail to: Office of the Chief Clerk, MC 105	Courier or hand-deliver to: Office of the Chief Clerk	Fax: 512-239-3311
TCEQ PO Box 13087 Austin, TX 78711-3087	TCEQ 12100 Park 35 Circle, Bldg. F Austin, TX 78753	* * Note: All comments submitted by fax must be followed by a hard copy in the mail within three days.

Page: 36 of 46

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e-mail address:	والمراجعة والمراجعة المراجعة والمراجعة والمراج	
First Name: Jaco W Mic	ddle Name:Last Name:_	Harding
Company Name (if applicable):		
Mailing Address: 100	Bamboo	APR 0 5 2022
city: HO	State:	ZIP Code: 1704)
Phone Number: 713 - 46		
You may submit your commer	nt electronically at: www14.tcec	j.texas.gov/epic/eComment/
Altomoto university Comments		
Alternate ways to Comment: Mail to: Office of the Chief Clerk, MC 105 TCEQ PO Box 13087 Austin, TX 78711-3087	Courier or hand-deliver to: Office of the Chief Clerk TCEQ 12100 Park 35 Circle, Bldg. F Austin, TX 78753	* * Note: All comments submitted by fax must be followed by a hard copy in the mail within three days.

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días.

From: Myra Jefferson

Austin, TX 78711-3087

Petición contra el permiso número 2185A, instalación de reciclaje y eliminación de Hawthorn Park

2022-04-05 01:37:35 GMT

MI COMENTARIO: Me opongo a la expansión del vertedero existente en Carverdale, el vertedero de Hawthorn Park (HPL), y por lo tanto le pido a la Comisión de Calidad Ambiental de Texas (TCEQ) que niegue el permiso número 2185A, la instalación de reciclaje y eliminación de Hawthorn Park. Además, le pido al TCEQ que cierre permanentemente el HPL, el vertedero existente, porque elimina la capacidad de Carverdale para prosperar como vecindario e impide la capacidad de los residentes de Carverdale para vivir, trabajar y aprender en un ambiente saludable.

dirección de correo electrónico: @	348 TANNER R	d
Nombre: <u>JESBA</u> Segu	ndo nombre: <u>O a Przy \$</u> Apellido:	Blanco
Nombre de la empresa (si correspond	e):	
Dirección postal: 103 48 T		App 03 2022
Cludad: HOUSTON	Estado: $+ \times$	Código postal: 770 W
Número de teléfono: $713-59$	7-28-25 Número de fax (o	pcional)
	ectrónicamente a: www14.tceq.texa	
n entre en 2000 de de 1900 de la companya del la companya de la co		
Forma alternativa de comentar:		
Enviar por correo a:	Mensajería o entrega en mano a:	Fax al: 512-239-3311
Oficina del Secretario Jefe, MC 105	Oficina del Secretario Principal	* * Nota: Todos los
TCEQ	TCEQ	comentarios enviados por
Apartado de correos 13087	12100 Parque 35 Circle, Bldg. F	fax deben ir seguidos de

Austin, TX 78753

Page: 38 of 46

Office of the Chief Clerk, MC 105

TCEQ

PO Box 13087

Austin, TX 78711-3087

* * Note: All comments

mail within three days.

submitted by fax must be

followed by a hard copy in the

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

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e-mail address:		- Comment of the Comment of the Section of the Comment of the Comm
e-mail address: First Name: Joseph M		
Company Name (if applicable)		
Mailing Address: 10131 &	frover hu.	APR 0 5 2022
City: Houston	State: Teka.	2 ZIP Code: 22041
Phone Number: 832 · 364 ·	9509 Fax Numbe	er (optional)
You may submit your comm	ent electronically at: www14.tce	eq.texas.gov/epic/eComment/
Alternate ways to Comment:		
Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311

Office of the Chief Clerk

12100 Park 35 Circle, Bldg. F

TCEQ

Austin, TX 78753

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e-mail address:				
		Bailey Jr.		
Company Name (if applicable):	Annual Control of the	22/11/17.		
Mailing Address: 9824	Bamboo Ro	1. P. Gae		
city: Houston	State: X ·	ZIP Code:		
Phone Number: 832-712-4872 Fax Number (optional)				
You may submit your comme	nt electronically at: www14.tce	q.texas.gov/epic/eComment/		
Alternate ways to Comment:				
Mail to: Office of the Chief Clerk, MC 105 TCEQ PO Box 13087 Austin, TX 78711-3087	Courier or hand-deliver to: Office of the Chief Clerk TCEQ 12100 Park 35 Circle, Bldg. F Austin, TX 78753	* * Note: All comments submitted by fax must be followed by a hard copy in the mail within three days.		

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dirección de correo electrónico:	
Nombre: Maria Segundo nombre: Apellido: Ro	man
Nombre de la empresa (si corresponde):	APR 05 2827
Dirección postal: 10235 bamboo Ra	2/6a
Ciudad: HOUSTON Estado: Texas Código	o postal: 77041
Número de telefono: 832 4617511 Número de fax (opcior	ial)
Puede enviar su comentario electrónicamente a: www14.tceq.texas.gov	//epic/eComment/

Forma alternativa de comentar:

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followed by a hard copy in the

mail within three days.

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

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e-mail address:		
First Name: Charles Mic	ddle Name: WLast Name:	HERRON
Company Name (if applicable):		
Mailing Address: 10275 A	lgieas	APR 0 5 2822
city: Houston	State: TCX-GS	ZIP Code: 770 4/
Phone Number: <u>832</u> 762 78	6/ Fax Number	(optional)
You may submit your comme	nt electronically at: www14.tceq	.texas.gov/epic/eComment/
Alternate ways to Comment:		
Mail to: Office of the Chief Clerk, MC 105 TCEQ PO Box 13087	Courier or hand-deliver to: Office of the Chief Clerk	Fax: 512-239-3311 * * Note: All comments submitted by fax must be

Austin, TX 78753

Austin, TX 78711-3087

Page: 42 of 46

Office of the Chief Clerk, MC 105

TCEQ

Austin, TX 78711-3087

PO Box 13087

* * Note: All comments

mail within three days.

submitted by fax must be followed by a hard copy in the

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e-mail address: andream	miel bicloud.c	om	
First Name: Andre Mi	ddle Name: Nam	ne: <u>Amm</u>	iél
Company Name (if applicable):	Yardsey Fara	Isey	
Mailing Address; 5417	Gessner R	4	APR 05 2022
city: Houston	State: T)	ZIP Code:	7704/
Phone Number: 346-3	60-5701 Fax Num	ber (optional)	
You may submit your comme	ent electronically at: www14.	tceq.texas.gov/ep	ic/eComment/
Alternate ways to Comment:			
Mail to:	Courier or hand-deliver to:	Fax: 512-239	9-3311

Office of the Chief Clerk

Austin, TX 78753

12100 Park 35 Circle, Bldg. F

TCEQ

2022-04-05 01:37:35 GMT 18007731218

From: Myra Jefferson

Petition Against Permit Number 2185A, Hawthorn Park Recycling and Disposal Facility

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e-mail address:				
First Name: Kenneth Mic	ddle Name: <u>Earl</u> Last Name:	Herron		
Company Name (if applicable):		Wood V. William W. Bear E.		
Mailing Address: 10275 A		of Radio house and CTD		
City: Houston	State: 7x	ZIP Code:		
Phone Number: 346 312 9544 Fax Number (optional)				
You may submit your commen	nt electronically at: www14.tceq.	.texas.gov/epic/eComment/		
Alternate ways to Comment:		AND DESCRIPTION OF THE PROPERTY OF THE PROPERT		
Mail to: Office of the Chief Clerk, MC 105 TCEQ PO Box 13087 Austin, TX 78711-3087	Courier or hand-deliver to: Office of the Chief Clerk TCEQ 12100 Park 35 Circle, Bldg. F Austin, TX 78753	* * Note: All comments submitted by fax must be followed by a hard copy in the mail within three days.		

Page: 44 of 46

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e-mail address:	
First Name: Middle Name: Company Name (if applicable):	Last Name: AMI
	APR 05 200
Mailing Address: 9942 TANG	Wers Preau
<i>f</i>	77 zip Code: 7784/
Phone Number: 713-443-3122	Fax Number (optional)
You may submit your comment electronically at:	www14.tceq.texas.gov/epic/eComment/
	New Workshood to Beauty and the Section of the Sect

Alternate ways to Comment:

Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311
Office of the Chief Clerk, MC 105	Office of the Chief Clerk	
TCEQ	TCEQ.	* * Note: All comments
PO Box 13087	12100 Park 35 Circle, Bldg. F	submitted by fax must be
Austin, TX 78711-3087	Austin, TX 78753	followed by a hard copy in the
		mail within three days.
		·

From: Myra Jefferson

2022-04-05 01:37:35 GMT

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e-mail address:				
First Name: 1015 Mi	ddle Name: ப் ல Last Name:_	Roberts		
Company Name (if applicable):				
Mailing Address: 1023C	Porto Rico	Rd. Gai		
city: Hous TON	State: 77る。	ZIP Code: 770 41		
Phone Number: 346-50	7 4 <u>49 //</u> Fax Number	(optional)		
You may submit your comment electronically at: www14.tceq.texas.gov/epic/eComment/				
Alternate ways to Comment:				
Mail to:	Courier or hand-deliver to:	Fax: 512-239-3311		
Office of the Chief Clerk, MC 105	Office of the Chief Clerk			
TCEQ	TCEQ	* * Note: All comments		
PO Box 13087 Austin, TX 78711-3087	12100 Park 35 Circle, Bldg. F Austin, TX 78753	submitted by fax must be followed by a hard copy in the		
The second secon		mail within three days.		

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e-mail address:
First Name: Washington Jr 9K9 "Smokey"
Company Name (if applicable):
Mailing Address: Tidwell a Hollister Gas
City:
Phone Number:Fax Number (optional)
You may submit your comment electronically at: www14.tceq.texas.gov/epic/eComment/

Alternate ways to Comment:

Mail to:

Office of the Chief Clerk, MC 105 TCEQ PO Box 13087 Austin, TX 78711-3087 Courier or hand-deliver to: Office of the Chief Clerk TCEQ 12100 Park 35 Circle, Bldg. F Austin, TX 78753

* * Note: All comments submitted by fax must be followed by a hard copy in the mail within three days.

Fax: 512-239-3311

Paul Worrall

From: eFax Corporate <message@inbound.efax.com>

Sent: Monday, April 4, 2022 9:04 PM

To: Fax3311

Subject: Corporate eFax message from "18007731218" - 46 page(s)

Attachments: FAX_20220405_1649124255_357.pdf



You have received a 46 page fax at 2022-04-04 21:04:15 CDT.

* The reference number for this fax is usw2b.prod.afc_did5-1649122664-15122335236-357. Please if you have any questions regarding this message or your service. You may also contact Corporate Support:

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Petition in Opposition to TCEQ Permit Number 2185A

To Protest the Landfill in Carverdale complete & mail this petition to the TCEQ address shown below: 8 2022

10 TCEQ Permit Number 2185A lacks transparency regarding the projected 210.20-acre landful footprint; the alleged 38.6-acre expansion, and the history of the Existing Landfill Permit Number MSW#2185. Specifically, the Permit Amendment Application (PAA) is silent regarding the 12.9 acres in MSW#1448 and therefore Waste Management only accounts for 171.6 acres, resulting in a 38.6-acre footprint shortage. 11 Nonetheless, based on the number of decades in which the existing landfill has operated at 10550 Tanner Road in Carverdale, a minority (black and brown) neighborhood of Houston, Harris County, Texas 77041, it is widely known that the landfill had reached disposal capacity and was dormant when Waste Management applied to the TCEQ for a permit major amendment to authorize the name change to The Hawthorn Park Recycling and Disposal Facility and the lateral and vertical expansion of the facility.

MSW 123200

⁹Industrial and hazardous waste-permitted facilities are subject to closure requirements; but, as its name change from Hawthorn Park Landfill (HPL) to Hawthorn Park Recycling and Disposal Facility implies, HPL has reached capacity and Waste Management has applied for a permit to avoid closure, by installing a disposal facility on top of existing landfill waste. ²In any circumstance, no person may commence to install any structure on top of existing landfill waste as it would result in the disturbance of the final cover, risking groundwater contamination. Further, based on deficiencies in its equipment list. Waste Management intends to operate its 8Transfer, Storage, and Disposal Facility (TSDF) and manage hazardous waste without following the rules set forth in 40 CFR Parts 264/265, especially Subpart A-E regarding construction quality assurance (CQA); preparedness and prevention; and contingency plan and emergency procedures. All, while creating a (permanent) mountainous trash heap producing greenhouse gas.

¹When a landfill reaches capacity the owner may have it capped, covered permanently with a polyethylene cap and compacted soil, and planted with vegetation to prevent erosion by rainfall and wind; in addition, the owner must monitor and maintain the site for up to 30 years. Or, in the alternative, the owner may turn the site into green space; ⁶or a recognized government agency may have it designated as a brownfield. Even though TCEQ's Executive Director has determined that Waste Management's application is administratively complete; the PAA is not technically complete or legal. The plan is to have Permit Number 2185A denied; and, to have the Existing Landfill, Hawthorn Park Landfill, at 10550 Tanner Road, Houston, Texas 77041 closed. Thank you.

To Protest the Landfill in Carverdale complete & mail this petition to the TCEQ address shown below:

TCEQ will conduct a Public Meeting on Tuesday, January 18, 2022, at 7:00 PM. You may access the meeting via webcast at: https://www.gotomeeting.com/webinar/join-webinar and entering Webinar ID 655-137-955, at least 15 minutes before the meeting begins. Those without internet access must call (512) 239-1201 at least one day prior to the meeting to register for the meeting and to obtain information for participating telephonically. Members of the public who wish to only listen to the meeting may call, toll free, (914) 614-3221 and enter access code 827-425-587. Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at 512-239-3300 or 1-800-RELAY-TX (TDD) at least five business days prior to the meeting.

Name: Myra Jepperson Address: 5417 Gessner Rd. Houston, Tx 77041

Mail to: Office of the Chief Clerk, MC-105, TCEQ, P. O. Box 13087, Austin, TX 78711-3087; or comment electronically at https://www14.tceq.texas.gov/epic/eComment/; or fax to (512)239-3311, before the close of the public comment period. All comments submitted by fax must be followed by a hard copy within 3 days. Spanish:1-800-687-4040

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CHIEF CLERKS OFFICE

Myra Jefferson 5417 Gessner Fd

Houston, Tx 77041

P.O. Box 13087 fice of the Ohied Clork, MC105 $\sqrt{8711-3087}$

MSM

Petition in Opposition to TCEQ Permit Number 2185A

To Protest the Landfill in Carverdale complete & mail this petition to the TCEQ address shown below:

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⁹Industrial and hazardous waste-permitted facilities are subject to closure requirements; but, as its 📯 name change from Hawthorn Park Landfill (HPL) to Hawthorn Park Recycling and Disposal Facility implies, HPL has reached capacity and Waste Management has applied for a permit to avoid closure, by installing a disposal facility on top of existing landfill waste. ²In any circumstance, no person may commence to install any structure on top of existing landfill waste as it would result in the disturbance of the final cover, risking groundwater contamination. Further, based on deficiencies in its equipment list, Waste Management intends to operate its ⁸Transfer, Storage, and Disposal Facility (TSDF) and manage hazardous waste without following the rules set forth in 40 CFR Parts 265/265, especially Subpart A-E regarding construction quality assurance (CQA); preparedness and prevention; and contingency plan and emergency procedures. All, while creating a (permanent) mountainous trash heap producing greenhouse gas.

¹When a landfill reaches capacity the owner may have it capped, covered permanently with a polyethylene cap and compacted soil, and planted with vegetation to prevent erosion by rainfall and wind; in addition, the owner must monitor and maintain the site for up to 30 years. Or, in the alternative, the owner may turn the site into green space; for a recognized government agency may have it designated as a brownfield. Even though TCEQ's Executive Director has determined that Waste Management's application is administratively complete; the PAA is not technically complete or legal. The plan is to have Permit Number 2185A denied; and, to have the Existing Landfill, Hawthorn Park Landfill, at 10550 Tanner Road, Houston, Texas 77041 closed. Thank you.

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DOM Address: 5417 Gessner Rd. Houston, Tx77041

Mail to: Office of the Chief Clerk, TCEQ, Mail Code MC-105, P. O. Box 13087, Austin, Texas 78711-3087, or comment electronically at https://www14.tceq.texas.gov/epic/eComment/ Spanish:1-800-687-4040 on envisory ental

2022 JAN 14 JM 9: 114

CHEEF CLERKS OFFICE

Office of the Chief Clerk, MC 105

P.O. Box 13087

Austin, TX 78711-3087

Myra Sefferson Sitin Gessner Rd Houston, Tx7704) Silly of the second

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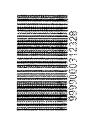
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EP13F May 2020

FAX COVER SHEET

Page: 1 of 2

TO	
COMPANY	
FAXNUMBER	15122393311
FROM	MyraJefferson
DATE	2022-01-12 01:44:04 GMT
RE	Petition in Opposition to TCEQ Permit 2185A submitted by
Myra Jefferson, 5	5417 Gessner Rd., Houston, Texas 77041

COVER MESSAGE

Attached is another Formal Comment from Myra Jefferson, 5417 Gessner Rd., Houston, TX, 77041, in the form of a Petition. Thank you.

Page: 2 of 2

Petition in Opposition to TCEQ Permit Number 2185A

To Protest the Landfill in Carverdale complete & mail this petition to the TCEQ address shown below:

¹⁰ TCEQ Permit Number 2185A lacks transparency regarding the projected 210.20-acre landfill footprint; the alleged 38.6-acre expansion; and the history of the Existing Landfill Permit Number MSW#2185. Specifically, the Permit Amendment Application (PAA) is silent regarding the 12.9 acres in MSW#1448 and therefore Waste Management only accounts for 171.6 acres, resulting in a 38.6-acre footprint shortage. ¹¹Nonetheless, based on the number of decades in which the existing landfill has operated at 10550 Tanner Road in Carverdale, a minority (black and brown) neighborhood of Houston, Harris County, Texas 77041, it is widely known that the landfill had reached disposal capacity and was dormant when Waste Management applied to the TCEQ for a permit major amendment to authorize the name change to The Hawthorn Park Recycling and Disposal Facility and the lateral and vertical expansion of the facility.

⁹Industrial and hazardous waste-permitted facilities are subject to closure requirements; but, as its name change from Hawthorn Park Landfill (HPL) to Hawthorn Park Recycling and Disposal Facility implies, HPL has reached capacity and Waste Management has applied for a permit to avoid closure, by installing a disposal facility on top of existing landfill waste. ²In any circumstance, no person may commence to install any structure on top of existing landfill waste as it would result in the disturbance of the final cover, risking groundwater contamination. Further, based on deficiencies in its equipment list, Waste Management intends to operate its ⁸Transfer, Storage, and Disposal Facility (TSDF) and manage hazardous waste without following the rules set forth in 40 CFR Parts 265/265, especially Subpart A-E regarding construction quality assurance (CQA); preparedness and prevention; and contingency plan and emergency procedures. All, while creating a (permanent) mountainous trash heap producing greenhouse gas.

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Name: My a Jefferson Address: 6417 Gessner Rd. Houston, Tx77041

Mail to: Office of the Chief Clerk, TCEQ, Mail Code MC-105, P. O. Box 13087, Austin, Texas 78711-3087, or comment electronically at https://www14.tceq.texas.gov/epic/eComment/ Spanish:1-800-687-4040

Lori Rowe

From:

PUBCOMMENT-OCC

Sent:

Wednesday, January 12, 2022 11:35 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Corporate eFax message from "18007731218" - 2 page(s)

Attachments:

FAX_20220112_1641951965_58.prod.afc_did10-1641951865-15122335236-58.pdf

From: Fax3311 <fax3311@tceq.texas.gov>
Sent: Wednesday, January 12, 2022 10:29 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Cc: Laurie Gharis < Laurie. Gharis@tceq.texas.gov>

Subject: FW: Corporate eFax message from "18007731218" - 2 page(s)

Laurie Gharis
Office of the Chief Clerk
Texas Commission on Environmental Quality

Office Phone: 512-239-1835 Cell Phone: 512-739-4582

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From: eFax Corporate < message@inbound.efax.com >

Sent: Tuesday, January 11, 2022 7:46 PM To: Fax3311 <fax3311@tceq.texas.gov>

Subject: Corporate eFax message from "18007731218" - 2 page(s)



You have received a 2 page fax at 2022-01-11 19:46:05 CST.

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Melissa Schmidt

From:

PUBCOMMENT-OCC

Sent:

Wednesday, July 21, 2021 1:48 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

TCEQ_DEADLINE_COMMENTS_.pdf

From: myraajefferson@gmail.com < myraajefferson@gmail.com >

Sent: Wednesday, July 21, 2021 11:47 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK LANDFILL

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Myra Ann Jefferson

E-MAIL: myraajefferson@gmail.com

COMPANY:

ADDRESS: 5417 GESSNER RD HOUSTON TX 77041-7405

PHONE: 2813890237

FAX: 8007731218

COMMENTS: I am opposed to Waste Management's Proposed Expansion of the Landfill in Carverdale. The following comments and attachment are provided in opposition to Permit #2185A. (1) The fact that Waste Management provided no blueprint to give a visual of what they plan to do is reason to believe they're not being transparent. Therefore, Waste Management needs to show how they are expanding on a blueprint so we can get a visual of what they want to do. (2)

Likewise, the fact that Waste Management did not provide the original Permit#2185 for comparison demonstrates their lack of transparency. We need to see what is in Permit #2185, the original permit. Therefore, please produce a copy of Permit #2185, the original permit.

Additional Public Comments by Myra Jefferson regarding Permit#2185A

1. We need to see what is in Permit #2185, Waste Management's Original Permit. Therefore, please produce a copy of Waste Management's Original Permit#2185.

Permit No. MSW- 2185	East, West and Center Blocks	04/12/1994	04/17/1995	175.8
Permit No. MSW- 2185 (following approved minor permit amendment)	East, West and Center Blocks	04/17/1995	Present	171.6

2. Waste Management needs to show how they are expanding on a blueprint so we can get a visual of what they want to do. Therefore, in reference Permit#2185A, please produce a blueprint showing how Waste Management is expanding.

Melissa Schmidt

From:

PUBCOMMENT-OCC

Sent:

Wednesday, July 21, 2021 8:22 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

From: myraajefferson@gmail.com <myraajefferson@gmail.com>

Sent: Tuesday, July 20, 2021 11:54 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK LANDFILL

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Myra Ann Jefferson

E-MAIL: myraajefferson@gmail.com

COMPANY:

ADDRESS: 5417 GESSNER RD HOUSTON TX 77041-7405

PHONE: 2813890237

FAX:

COMMENTS: Carverdale fight in opposition to this PAA, including a Peaceful Protest, has been aired on two news stations KPRC(NBC)Channel 2 and KUHT(PBS)Houston Channel 8; also, (KRIV)Channel 26 and CW39 (KIAH-TV) Channel 39 has shown their support as well.

Melissa Schmidt

From:

PUBCOMMENT-OCC

Sent:

Wednesday, July 21, 2021 8:25 AM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

Attachments:

TCEQ_DEADLINE_COMMENTS_.docx

From: myraajefferson@gmail.com < myraajefferson@gmail.com >

Sent: Tuesday, July 20, 2021 10:44 PM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK LANDFILL

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC

CN NUMBER: CN602560930

FROM

NAME: Myra Ann Jefferson

E-MAIL: myraajefferson@gmail.com

COMPANY:

ADDRESS: 5417 GESSNER RD HOUSTON TX 77041-7405

PHONE: 2813890237

FAX: 8007731218

COMMENTS: (1)We need to see what is in Permit 2185. (2)They need to show how they are expanding on a blueprint so we can get a visual of what they are wanting to do.

We need to see what is in Permit #2185.

They need to show how they are expanding on a blueprint so we can get a visual of what they are wanting to do.

Permit No. MSW- 2185	East, West and Center Blocks	04/12/1994	04/17/1995	175.8
Permit No. MSW- 2185 (following approved minor permit amendment)	East, West and Center Blocks	04/17/1995	Present	171.6

Melissa Schmidt

From:

PUBCOMMENT-OCC

Sent:

Tuesday, June 29, 2021 3:01 PM

To:

PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD

Subject:

FW: Public comment on Permit Number 2185A

MSW 123200

From: majefferson@sbcglobal.net <majefferson@sbcglobal.net>

Sent: Tuesday, June 29, 2021 11:36 AM

To: PUBCOMMENT-OCC < PUBCOMMENT-OCC@tceq.texas.gov>

Subject: Public comment on Permit Number 2185A

REGULATED ENTY NAME HAWTHORN PARK LANDFILL

RN NUMBER: RN102664232

PERMIT NUMBER: 2185A

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: USA WASTE OF TEXAS LANDFILLS INC.

CN NUMBER: CN602560930

FROM

NAME: Myra Jefferson

E-MAIL: majefferson@sbcglobal.net

COMPANY:

ADDRESS: 5417 GESSNER RD HOUSTON TX 77041-7405

PHONE: 2813890237

FAX:

COMMENTS: 1. According to this PAA, the applicant has 0-20 employees; is this accurate? 2. Please provide the Initial Submittal Date which is omitted from this PAA? 3. Please provide the Revision Date, if any, which is omitted from this PAA. 4. The location of the Hawthorn Park RDF entrance is vaguely stated as "south of the current West Block disposal area," please provide the specific location of the entrance to Hawthorne Park RDF? 5. According to this PAA, TCEQ Permit MSW-2185, comprised of 178.5 acres contained in the East, West and Center Block ended on 4/17/1995, please state the reason TCEQ Permit MSW-2185 ended on 04/17/1995? What is the active life of MSW-2185? Has MSW-2185 reached its full capacity? 6. According to this PAA, TCEQ Permit MSW-2185 ended on 04/17/1995 then started again on that same day, 04/17/1995, comprised of 171.6 acres contained in the East, West, and Center Block following a minor permit amendment approved by the TNRCC which reduced the acreage of the West Block by 4.1 or 4.2 acres. Accordingly, it appears the TNRCC aided and abetted the applicant in reactivating MSW-2185 once it ended on 4/17/1995, enabling the applicant to amend and start it again at a later date; meanwhile, TCEQ Permit MSW-2185 would appear to be closed inasmuch as no Type IV activity was carried out and none was observed by Carverdale Residents after 4/17/1995. Likewise, it appears the TNRCC will be aiding and abetting the applicant in reactivating TCEQ Permit MSW-2185A annually or once it ends, enabling the applicant to start it again for 46.3 years. Why so? 7. According to this PAA, TCEQ Permit MSW-2185, comprised of 171.6 acres contained in the East, West and Center Block again started on 4/17/1995, please state the reason TCEQ Permit MSW-2185 started again on 04/17/1995? 8. Based on this PAA, it appears that some type of change (minor or major) has to occur in order for a PAA to be successful; and, that the applicant decommissions and recommissions acres in order to file successful PAA's and continue its profitability. For example, this PAA claims that TCEQ Permit MSW-2185 contains 129.8 acres of permitted waste disposal area and TCEQ Permit MSW-2185A contains 176.5 acres of permitted waste disposal area, however, in light of the Closed Permit #MSW-1135 containing 10.2 acres currently occupied by LETCO and the 41.8 acres of non-waste disposal area designated for "buffer, recycling, storage, maintenance facilities, including the gatehouse and scales, landfill access road, storm-water conveyance structures, and Cherry Crushed Concrete recycling facility and offices," there are discrepancies as to the size of the permitted waste disposal area. Please explain the discrepancies in the size of the permitted waste disposal area; otherwise, it appears the applicant decommissions and recommissions acres in order to file successful PAA's and continue its profitability, in disregard of neighborhoods like Carverdale? 9. According to this PAA, the Land Ownership Map and Land Owners List are included and reflect "property ownership which is one-quarter mile of the permit boundary." Can you explain why local, state, and national legislators would tolerate a law such as 30 TAC||305.45(a), 330.59(c)(3), and 281.5 that excludes land owners that are impacted by the facility? 10. In this PAA, the Land Owners List is entitled, "Adjacent and Potentially Affected Landowners." Hawthorn Park RDF is located in Carverdale and therefore Carverdale "adjoins" the Hawthorn Park RDF so every land owner is Carverdale is impacted. On the other hand, surrounding areas like Westbranch and Jersey Village are "adjacent". Can you tolerant harmful tactics and bad laws?