

**Renee Lyle**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, September 25, 2023 10:54 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD  
**Subject:** FW: Public comment on Permit Number 2383

H

**From:** jenniaviles17@gmail.com <jenniaviles17@gmail.com>  
**Sent:** Sunday, September 24, 2023 8:04 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 2383

**REGULATED ENTY NAME** 130 ENVIRONMENTAL PARK

**RN NUMBER:** RN106897036

**PERMIT NUMBER:** 2383

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** 130 ENVIRONMENTAL PARK LLC

**CN NUMBER:** CN604375972

**NAME:** Jennifer Aviles

**EMAIL:** [jenniaviles17@gmail.com](mailto:jenniaviles17@gmail.com)

**COMPANY:**

**ADDRESS:** 1600 HOMANNVILLE TRL  
LOCKHART TX 78644-4501

**PHONE:** 5124977743

**FAX:**

**COMMENTS:** Hello, I live at 1600 Homannville Trail and I want to Protest the 130 Landfill Permit 2383 and request a Contested Case Hearing. I am against extending the hours of the landfill. It is bad enough that lately every morning I am greeted by the smells coming from the landfill and not to mention the noises from all the machines. Now I have to put up with the possibility of hearing all the noises and put up with all the smells even on the weekends. The weekends are the days that we look forward to the most because they are the days that we can truly enjoy and relax on our property. I ask that yall please take into consideration the people who live around the landfill and what they may want.

MSW  
127038

Debbie Zachary

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**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, July 13, 2022 2:45 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD  
**Subject:** FW: Public comment on Permit Number 2383

RFR  
H

**From:** cbrown7280@aol.com <cbrown7280@aol.com>  
**Sent:** Wednesday, July 13, 2022 2:07 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 2383

**REGULATED ENTY NAME** 130 ENVIRONMENTAL PARK

**RN NUMBER:** RN106897036

**PERMIT NUMBER:** 2383

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** 130 ENVIRONMENTAL PARK LLC

**CN NUMBER:** CN604375972

**FROM**

**NAME:** Claudia Shroyer Brown

**EMAIL:** [cbrown7280@aol.com](mailto:cbrown7280@aol.com)

**COMPANY:**

**ADDRESS:** 1882 FM 1185  
LOCKHART TX 78644-4485

**PHONE:** 5123766601

**FAX:**

**COMMENTS:** July 12, 2022 Laurie Gharis, Chief Clerk Texas Commission on Environmental Quality Office of the Chief Clerk, MC 105 P.O. Box 13087 Austin, Texas 78701-3087 Via TCEQ Online Comment Form RE: Comments regarding 130 Environmental Park, LLC's Application for Limited-Scope Amendment to Permit No. 2383 Dear Ms. Gharis: Our names' are Claudia and Robert :Brown and we are submitting this comment and hearing request on the application by 130

Environmental Park, LLC for Limited-Scope Amendment to Permit No. 2383. We own property on FM 1185. Our address is 1882 FM 1185. It is close to the 130 Environmental Park landfill. Environmental Park's current permit allows the acceptance of waste between 7:00 a.m. to 7:00 p.m. and the operation of equipment between 5:00 a.m. and 9:00 p.m. on Monday through Friday, which is consistent with TCEQ's Rule 330.135, addressing operating hours. The proposed amendment increases the waste acceptance to 24 hours per day, 7 days per week. For the reasons described below, this permit amendment should be denied. In the alternative, a hearing should be convened to allow for the presentation of evidence regarding 130 Environmental Park's permit amendment application. As an initial matter, when 130 Environmental Park first submitted its application for a landfill permit, it requested 24/7 operating hours, but the Administrative Law Judges recommended rejecting that request. In their Proposal for Decision, the ALJs explained that there are residences within very short distances to various portions of the landfill. According to the ALJs, the evidence presented during the SOAH hearing made clear that the noise from heavy equipment operation could be incompatible with those nearby residents, and odors could impact nearby residents, if the operating hours were expanded beyond what is allowed by Rule 330.135. In fact, 130 Environmental Park's principal engineer for Parts I and II of the application, Kenneth Welch, testified during the SOAH hearing that the landfill operation would generate noise and light during evening hours and that such noise and light could be disruptive to the residents who live near the landfill. While 130 Environmental Park claimed that it needed 24/7 operating hours for business purposes, they provided no evidence concerning the need for expanded operating hours and no evidence regarding efforts to mitigate impacts of its 24/7 operations on the surrounding community. At TCEQ's regular public meeting, during which the commissioners considered 130 Environmental Park's permit application and the PFD prepared by the ALJs, the TCEQ commissioners appeared to agree with the ALJs concerning the dearth of evidence supporting the request for 24/7 operating hours. The commissioners discussed the option of remanding the application to SOAH to allow 130 Environmental Park another bite at the apple, to attempt to present evidence in support of its request for 24/7 operating hours. Ultimately, however, 130 Environmental Park's counsel represented to the commissioners that the 130 Environmental Park "facility can certainly adequately and efficiently be operated using the standard operating hours," and so, he requested that a permit be issued with the standard operating hours. 130 Environmental Park's limited scope permit amendment application presents no new information indicating that circumstances have changed, such that the facility can no longer "adequately and efficiently be operated using the standard operating hours." More importantly, 130 Environmental Park has presented the Executive Director with no information regarding how expanded operating hours will impact the surrounding community. In fact, it appears that, once again, 130 Environmental Park has refused to consider the surrounding community and the incompatibility of its facility with that community. Even Mr. Welch, 130 Environmental Park's initial principal engineer of record, acknowledged that noise and light generated during evening hours could be disruptive to the residents who live near the landfill, but the limited scope permit amendment application fails to address this issue. Without an analysis regarding potential impacts of expanded operations on the surrounding community, the request for expanded operating hours must be denied. TCEQ's Executive Director is tasked with considering each request for alternative operating hours "on a case-by-case basis, considering the potential impact on surrounding communities." 31 Tex. Reg. 2565 (Mar. 24, 2006). According to the response to comments regarding this rule, the Commission explained: The rules specify reasonable hours for landfill operations and include authority for the commission to approve operating hours in excess of those stated in the rules. The commission believes that with proper planning, the performance of construction activities and waste acceptance and disposal activities may be accomplished during operating hours. The commission further anticipates that facilities will be staffed and equipped sufficiently to address all activities that are part of landfill operations. The commission is justified in limiting operating hours by the need to protect communities from the potential impacts from landfills. Landfill operations outside the stated hours are more likely to disturb people in residential areas. *Id.* In other words, the limitations on operating hours in the rule were intended to protect surrounding communities from potential impacts from landfills. So, if a landfill seeks waste acceptance hours before 7:00 a.m. and after 7:00 p.m., it should address the potential impacts to the surrounding community from those landfill operations. And before the Commission may grant a request for 24/7 operating hours, it must first evaluate the impacts of those hours to the surrounding community. The current landfill operations, during the standard operating hours, already present disturbances and nuisance conditions that adversely impact nearby residents.. We have never observed the landfill busy enough, or with so many customers, that their existing operating hours appear inadequate. There is simply no need to extend the landfill operating hours. In sum, 130 Environmental Park has not been a good neighbor to the nearby community. There is no reason to believe that the landfill will be operated in a manner that respects the neighboring residents, should its request for extended operating hours be

granted. Before the landfill was constructed and before operations commenced, evenings in the area were tranquil; the night sky was clear and full of stars. The presence of the landfill and its operation have already impacted the tranquility of the area. There is no reason to allow that disruption to extend into the overnight hours—the only time neighboring residents enjoy a respite from the obnoxious noise, traffic, odors, and lights generated by landfill operations. We therefore request that the commission reconsider their preliminary decision and deny 130 Environmental Park's application for a limited scope amendment to Permit No. 2383. In the alternative, We request a contested case hearing regarding the requested permit amendment. We may be contacted at the following mailing address: 1882 FM 1185 Lockhart, Tx 78644. Our phone number is: 512 376 6601 and our email address is: [cbrown7280@aol.com](mailto:cbrown7280@aol.com). Sincerely,  
Robert Brown Claudia Brown

REVIEWED

MSW  
127038

JUL 15 2022

GCW H

EN CONTRA DE LA ENMIENDA DE ALCANCE LIMITADO PROPUESTA  
AL PERMISO NÚM. 2383

20 de junio de 2022

Estimados miembros de TCEQ,

"Solicito una Audiencia de  
Caso Impugnado!"

Por favor no apruebe la Propuesta de Enmienda de Alcance Limitado al  
Permiso No. 2383

¡¡¡No permita que el Parque Ambiental 130 opere 24/7!!!

Vivimos en un vecindario rural densamente poblado directamente  
adyacente al vertedero y solicitamos que usted respete la recomendación  
original del Comisionado de la TCEQ que limita el 130 Environmental Park  
SOLO en el horario estándar de funcionamiento.

Además, el Tribunal del Comisionado del Condado de Caldwell votó por  
unanimidad el 26 de abril, 2022. Una resolución que se opone a la  
operación 24/7 y recolección de residuos en el Parque Ambiental 130.

Desde que el Parque Ambiental 130 ha entrado en funcionamiento ha  
perturbado la paz a nuestro vecindario.

Todos tenemos miedo de la basura tóxica y de cómo podría afectar la  
calidad de nuestro aire y agua.

Oímos la maquinaria y olemos la basura del basurero 5 días a la semana y  
no queremos de que opere más de lo que ya lo hace.

¡Destruirá nuestra tranquila noche oscura y los fines de semana!

Por favor, niegue la Propuesta de Enmienda de Alcance Limitado al  
Permiso No. 2383

Atentamente,

Sara I. Figueroa  
Sara I. Figueroa

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2022 JUL 15 AM 10:24

CHIEF CLERKS OFFICE

MSW  
127038

**Debbie Zachary**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, November 14, 2022 10:51 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD  
**Subject:** FW: Public comment on Permit Number 2383

H

**From:** BFRIED8012@AOL.COM <BFRIED8012@AOL.COM>  
**Sent:** Monday, November 14, 2022 10:28 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 2383

**REGULATED ENTY NAME** 130 ENVIRONMENTAL PARK

**RN NUMBER:** RN106897036

**PERMIT NUMBER:** 2383

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** 130 ENVIRONMENTAL PARK LLC

**CN NUMBER:** CN604375972

**FROM**

**NAME:** Byron Christopher Friedrich

**EMAIL:** [BFRIED8012@AOL.COM](mailto:BFRIED8012@AOL.COM)

**COMPANY:**

**ADDRESS:** 2353 FM 1185 PO Box 454  
LOCKHART TX 78644-2263

**PHONE:** 5123764572

**FAX:**

**COMMENTS:** Opposed to extending hours for SH130 dump and request hearing/comment on this. Opposed to initial request as well as this change.

**Renee Lyle**

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, September 26, 2023 10:37 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD  
**Subject:** FW: Public comment on Permit Number 2383

**From:** bfried8012@aol.com <bfried8012@aol.com>  
**Sent:** Monday, September 25, 2023 7:57 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 2383

**REGULATED ENTY NAME** 130 ENVIRONMENTAL PARK

**RN NUMBER:** RN106897036

**PERMIT NUMBER:** 2383

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** 130 ENVIRONMENTAL PARK LLC

**CN NUMBER:** CN604375972

**NAME:** Byron Christopher Friedrich

**EMAIL:** [bfried8012@aol.com](mailto:bfried8012@aol.com)

**COMPANY:**

**ADDRESS:** 2353 FM 1185 PO Box 454  
LOCKHART TX 78644-2263

**PHONE:** 5123764572

**FAX:**

**COMMENTS:** Filing objection to extended operating hours that are being requested. SH130 requesting hours beyond the standard and beyond what was agreed to at the end of the contested case hearing before the TCEQ commissioners. Hours were set by the commission and agreed to by SH130. They should not be allowed to now come back to change their hours. Those living around the facility should not be subjected to the extra noise and inconvenience to their lives. There is also a very real danger from traffic entering and exiting the facility in the dark off US183 north of lockhart, which is an extremely busy highway. As stated in our original objections to the facility, this poses a very real danger to those traveling Hwy 183.

MSW  
127038

Debbie Zachary

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**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, July 13, 2022 10:37 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD  
**Subject:** FW: Public comment on Permit Number 2383  
**Attachments:** resolution 32-2022 landfill hours (1).pdf

PM

**From:** bfried8012@aol.com <bfried8012@aol.com>  
**Sent:** Tuesday, July 12, 2022 8:44 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 2383

**REGULATED ENTY NAME** 130 ENVIRONMENTAL PARK

**RN NUMBER:** RN106897036

**PERMIT NUMBER:** 2383

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** 130 ENVIRONMENTAL PARK LLC

**CN NUMBER:** CN604375972

**FROM**

**NAME:** Byron Christopher Friedrich

**EMAIL:** [bfried8012@aol.com](mailto:bfried8012@aol.com)

**COMPANY:**

**ADDRESS:** PO BOX 454  
LOCKHART TX 78644-0454

**PHONE:** 5123764572

**FAX:**

**COMMENTS:** I am opposed to any approval of extending the operating hours for SH130 Env.Park, beyond what was allowed in the permit. I request public meetings on the subject. The Caldwell County Commissioners passed Resolution 32-2022 in April opposing this extension. I was present at all of the sessions in the Contested Case hearing in 2015 and at the final approval meeting by the TCEQ Commissioners. The hours were a major sticking point in granting the permit and



the owner agreed to the hours. I hear to tolerate the incessant noise during the day, starting early in the morning. As a MSW facility, I can see no reason to take in garbage 24/7 and on Sundays when I know of no cities in the area with those collection times that they would need to use the dump.



**RESOLUTION 32-2022**  
**RESOLUTION OF CALDWELL COUNTY COMMISSIONERS COURT**

**WHEREAS**, Caldwell County is a subdivision of the State of Texas;

**WHEREAS**, the Commissioners Court of Caldwell County, Texas, has a duty to its residents to ensure the health, safety, and welfare of its residents and the public at large;

**WHEREAS**, the 130 Environmental Park solid waste landfill was initially permitted by the Texas Commission on Environmental Quality to operate between the hours of 5:00am to 9:00pm Monday through Friday;

**WHEREAS**, the 130 Environmental Park landfill now seeks to extend its operating hours to a 24/7 operating schedule;

**WHEREAS**, the location of the landfill continues to be surrounded by rural residential uses;

**WHEREAS**, the Commissioners Court previously opposed the application of the 130 Environmental Park solid waste landfill on grounds that included, among other concerns, that the landfill would generate a variety of nuisance conditions[;]"

**WHEREAS**, the Commissioners Court continues to harbor concerns of adverse consequences to the health, safety, and welfare of its residents and the public at large resulting from the landfill's operation;

**WHEREAS**, in public hearing, numerous residents appeared before the Commissioners Court and recounted their experiences with the nuisance conditions generated by the landfill;

**WHEREAS**, all public comment expressed the concerns of Caldwell County residents that extending the landfill's hours of operations would result in continual, unending, and worsened nuisance conditions generated by the landfill; and

**WHEREAS**, no resident spoke in support of extending the landfill's hours of operation;

**NOW THEREFORE, BE IT RESOLVED BY THE CALDWELL COUNTY COMMISSIONERS COURT THAT** the Caldwell County Commissioners Court opposes extending the operating hours of the 130 Environmental Park solid waste landfill.

**ORDERED** this the 26<sup>th</sup> day of April, 2022.

Hoppy Haden  
Caldwell County Judge

B.J. Westmoreland  
Commissioner, Precinct 1

Ed Theriot  
Commissioner, Precinct 3

Barbara Shelton  
Commissioner, Precinct 2

Joe Ivan Roland  
Commissioner, Precinct 4

ATTEST:

Teresa Rodriguez  
Caldwell County Clerk



MSW  
127038

EN CONTRA DE LA ENMIENDA DE ALCANCE LIMITADO PROPUESTA  
AL PERMISO NÚM. 2383

20 de junio de 2022

Estimados miembros de TCEQ, *Eugenio Garcia Jr*

RECEIVED  
JUL 15 2022  
*EJG* H

Por favor no apruebe la Propuesta de Enmienda de Alcance Limitado al  
Permiso No. 2383

!!!No permita que el Parque Ambiental 130 opere 24/7!!!

Vivimos en un vecindario rural densamente poblado directamente  
adyacente al vertedero y solicitamos que usted respete la recomendación  
original del Comisionado de la TCEQ que limita el 130 Environmental Park  
SOLO en el horario estándar de funcionamiento.

Además, el Tribunal del Comisionado del Condado de Caldwell voto por  
unanimidad el 26 de abril, 2022. Una resolución que se opone a la  
operación 24/7 y recolección de residuos en el Parque Ambiental 130.

Desde que el Parque Ambiental 130 ha entrado en funcionamiento ha  
perturbado la paz a nuestro vecindario.

Todos tenemos miedo de la basura tóxica y de cómo podría afectar la  
calidad de nuestro aire y agua.

Oímos la maquinaria y olemos la basura del basurero 5 días a la semana y  
no queremos de que opere más de lo que ya lo hace.

¡Destruirá nuestra tranquila noche oscura y los fines de semana!

Por favor, niegue la Propuesta de Enmienda de Alcance Limitado al  
Permiso No. 2383

Attentamente, "Solicito una Audiencia de caso  
Impugnado!"

*Eugenio Garcia Jr*

[Redacted signature]

*GarciaConcreteatx@gmail.com*

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2022 JUL 15 AM 10:23  
CHIEF CLERK'S OFFICE

MSW  
127038

EN CONTRA DE LA ENMIENDA DE ALCANCE LIMITADO PROPUESTA  
AL PERMISO NÚM. 2383

20 de junio de 2022

*Irene Garcia*

JUL 15 2022  
EJGw H

Estimados miembros de TCEQ,

Por favor no apruebe la Propuesta de Enmienda de Alcance Limitado al Permiso No. 2383

¡¡¡No permita que el Parque Ambiental 130 opere 24/7!!!

Vivimos en un vecindario rural densamente poblado directamente adyacente al vertedero y solicitamos que usted respete la recomendación original del Comisionado de la TCEQ que limita el 130 Environmental Park SOLO en el horario estándar de funcionamiento.

Además, el Tribunal del Comisionado del Condado de Caldwell votó por unanimidad el 26 de abril, 2022. Una resolución que se opone a la operación 24/7 y recolección de residuos en el Parque Ambiental 130.

Desde que el Parque Ambiental 130 ha entrado en funcionamiento ha perturbado la paz a nuestro vecindario.

Todos tenemos miedo de la basura tóxica y de cómo podría afectar la calidad de nuestro aire y agua.

Oímos la maquinaria y olemos la basura del basurero 5 días a la semana y no queremos de que opere más de lo que ya lo hace.

¡Destruirá nuestra tranquila noche oscura y los fines de semana!

Por favor, niegue la Propuesta de Enmienda de Alcance Limitado al Permiso No. 2383

Attentamente,

"Solicito una Audiencia de Caso  
Impugnado"

*Irene Garcia*

512-749-7356

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2022 JUL 15 AM 10:23  
CHIEF CLERKS OFFICE

MSW  
127038

Debbie Zachary

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, July 14, 2022 8:06 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD  
**Subject:** FW: Public comment on Permit Number 2383  
**Attachments:** TCEQ letter and Resolution1.pdf

RFR  
H

**From:** leslie.holder5@gmail.com <leslie.holder5@gmail.com>  
**Sent:** Wednesday, July 13, 2022 4:50 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 2383

**REGULATED ENTY NAME** 130 ENVIRONMENTAL PARK

**RN NUMBER:** RN106897036

**PERMIT NUMBER:** 2383

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** 130 ENVIRONMENTAL PARK LLC

**CN NUMBER:** CN604375972

**FROM**

**NAME:** Leslie Holder

**EMAIL:** [leslie.holder5@gmail.com](mailto:leslie.holder5@gmail.com)

**COMPANY:** n/a

**ADDRESS:** 575 COMANCHE WAY  
DALE TX 78616-3347

**PHONE:** 5129243737

**FAX:**

**COMMENTS:** Please see attached.

July 13, 2022

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

*Via TCEQ Online Comment Form*

RE: Comments regarding 130 Environmental Park, LLC's Application for Limited-Scope Amendment to Permit No. 2383

Dear Ms. Gharis:

My name is Leslie Holder, and I am submitting this comment and hearing request on the application by 130 Environmental Park, LLC for Limited-Scope Amendment to Permit No. 2383. My address is 575 Comanche Way, Dale, (Lytton Springs) Texas 78616, which is located approximately 4 miles from the 130 Environmental Park landfill.

Environmental Park's current permit allows the acceptance of waste between 7:00 a.m. to 7:00 p.m. and the operation of equipment between 5:00 a.m. and 9:00 p.m. on Monday through Friday, which is consistent with TCEQ's Rule 330.135, addressing operating hours. The proposed amendment increases the waste acceptance to 24 hours per day, 7 days per week. For the reasons described below, this permit amendment should be denied. In the alternative, a hearing should be convened to allow for the presentation of evidence regarding 130 Environmental Park's permit amendment application.

As an initial matter, when 130 Environmental Park first submitted its application for a landfill permit, it requested 24/7 operating hours, but the Administrative Law Judges recommended rejecting that request. In their Proposal for Decision, the ALJs explained that there are residences within very short distances to various portions of the landfill. According to the ALJs, the evidence presented during the SOAH hearing made clear that the noise from heavy equipment operation could be incompatible with those nearby residents, and odors could impact nearby residents, if the operating hours were expanded beyond what is allowed by Rule 330.135.

In fact, 130 Environmental Park's principal engineer for Parts I and II of the application, Kenneth Welch, testified during the SOAH hearing that the landfill operation would generate noise

and light during evening hours and that such noise and light could be disruptive to the residents who live near the landfill. While 130 Environmental Park claimed that it needed 24/7 operating hours for business purposes, they provided no evidence concerning the need for expanded operating hours and no evidence regarding efforts to mitigate impacts of its 24/7 operations on the surrounding community.

At TCEQ's regular public meeting, during which the commissioners considered 130 Environmental Park's permit application and the PFD prepared by the ALJs, the TCEQ commissioners appeared to agree with the ALJs concerning the dearth of evidence supporting the request for 24/7 operating hours. The commissioners discussed the option of remanding the application to SOAH to allow 130 Environmental Park another bite at the apple, to attempt to present evidence in support of its request for 24/7 operating hours. Ultimately, however, 130 Environmental Park's counsel represented to the commissioners that the 130 Environmental Park "facility can certainly adequately and efficiently be operated using the standard operating hours," and so, he requested that a permit be issued with the standard operating hours.

130 Environmental Park's limited scope permit amendment application presents no new information indicating that circumstances have changed, such that the facility can no longer "adequately and efficiently be operated using the standard operating hours." More importantly, 130 Environmental Park has presented the Executive Director with no information regarding how expanded operating hours will impact the surrounding community. In fact, it appears that, once again, 130 Environmental Park has refused to consider the surrounding community and the incompatibility of its facility with that community. Even Mr. Welch, 130 Environmental Park's initial principal engineer of record, acknowledged that noise and light generated during evening hours could be disruptive to the residents who live near the landfill, but the limited scope permit amendment application fails to address this issue. Without an analysis regarding potential impacts of expanded operations on the surrounding community, the request for expanded operating hours must be denied.

TCEQ's Executive Director is tasked with considering each request for alternative operating hours "on a case-by-case basis, considering the potential impact on surrounding

communities.” 31 Tex. Reg. 2565 (Mar. 24, 2006). According to the response to comments regarding this rule, the Commission explained:

The rules specify reasonable hours for landfill operations and include authority for the commission to approve operating hours in excess of those stated in the rules. The commission believes that with proper planning, the performance of construction activities and waste acceptance and disposal activities may be accomplished during operating hours. The commission further anticipates that facilities will be staffed and equipped sufficiently to address all activities that are part of landfill operations. The commission is justified in limiting operating hours by the need to protect communities from the potential impacts from landfills. Landfill operations outside the stated hours are more likely to disturb people in residential areas.

*Id.* In other words, the limitations on operating hours in the rule were intended to protect surrounding communities from potential impacts from landfills. So, if a landfill seeks waste acceptance hours before 7:00 a.m. and after 7:00 p.m., it should address the potential impacts to the surrounding community from those landfill operations. And before the Commission may grant a request for 24/7 operating hours, it must first evaluate the impacts of those hours to the surrounding community.

The current landfill operations, during the standard operating hours, already present disturbances and nuisance conditions that adversely impact nearby residents. I can hear the loud noise of the backup beepers on the landfill vehicles, during landfill operations at various times of the day. At night, I have observed lights of landfill vehicles as they move around the landfill. I have also heard the loud sounds of the tractor dozers, which will become even more disruptive as the waste operations move closer to us and our property. When the wind blows a certain direction, odors will emanate from the landfill to our property, and I will have to smell them.

I have never observed the landfill busy enough, or with so many customers, that their existing operating hours appear inadequate. There is simply no need to extend the landfill operating hours.

In sum, 130 Environmental Park has not been a good neighbor to the nearby community. There is no reason to believe that the landfill will be operated in a manner that respects the neighboring residents, should its request for extended operating hours be granted. Before the



Laurie Gharis, Chief Clerk  
Texas Commission on Environmental Quality  
July 13, 2022  
Page 4

landfill was constructed and before operations commenced, evenings in the area were tranquil; the night sky was clear and full of stars. The presence of the landfill and its operation have already impacted the tranquility of the area. There is no reason to allow that disruption to extend into the overnight hours—the only time neighboring residents enjoy a respite from the obnoxious noise, traffic, odors, and lights generated by landfill operations.

I therefore request that the commission reconsider their preliminary decision and deny 130 Environmental Park's application for a limited scope amendment to Permit No. 2383. In the alternative, I request a contested case hearing regarding the requested permit amendment.

I may be contacted at the following mailing address: 575 Comanche Way, Dale, Texas 78616. My phone number is: (512) 924-3737 and my email address is: leslie.holder5@gmail.com.

Sincerely,



Leslie Holder

Attachment



**RESOLUTION 32-2022**  
**RESOLUTION OF CALDWELL COUNTY COMMISSIONERS COURT**

**WHEREAS**, Caldwell County is a subdivision of the State of Texas;

**WHEREAS**, the Commissioners Court of Caldwell County, Texas, has a duty to its residents to ensure the health, safety, and welfare of its residents and the public at large;

**WHEREAS**, the 130 Environmental Park solid waste landfill was initially permitted by the Texas Commission on Environmental Quality to operate between the hours of 5:00am to 9:00pm Monday through Friday;

**WHEREAS**, the 130 Environmental Park landfill now seeks to extend its operating hours to a 24/7 operating schedule;

**WHEREAS**, the location of the landfill continues to be surrounded by rural residential uses;

**WHEREAS**, the Commissioners Court previously opposed the application of the 130 Environmental Park solid waste landfill on grounds that included, among other concerns, that the landfill would generate a variety of nuisance conditions[;]"

**WHEREAS**, the Commissioners Court continues to harbor concerns of adverse consequences to the health, safety, and welfare of its residents and the public at large resulting from the landfill's operation;

**WHEREAS**, in public hearing, numerous residents appeared before the Commissioners Court and recounted their experiences with the nuisance conditions generated by the landfill;

**WHEREAS**, all public comment expressed the concerns of Caldwell County residents that extending the landfill's hours of operations would result in continual, unending, and worsened nuisance conditions generated by the landfill; and

**WHEREAS**, no resident spoke in support of extending the landfill's hours of operation;

**NOW THEREFORE, BE IT RESOLVED BY THE CALDWELL COUNTY COMMISSIONERS COURT THAT** the Caldwell County Commissioners Court opposes extending the operating hours of the 130 Environmental Park solid waste landfill.

**ORDERED** this the 26<sup>th</sup> day of April, 2022.

A handwritten signature in black ink, appearing to read "Hoppy Haden", written over a horizontal line.

Hoppy Haden  
Caldwell County Judge

A handwritten signature in black ink, appearing to read "B.J. Westmoreland", written over a horizontal line.

B.J. Westmoreland  
Commissioner, Precinct 1

A handwritten signature in black ink, appearing to read "Ed Theriot", written over a horizontal line.

Ed Theriot  
Commissioner, Precinct 3

A handwritten signature in black ink, appearing to read "Barbara Shelton", written over a horizontal line.

Barbara Shelton  
Commissioner, Precinct 2

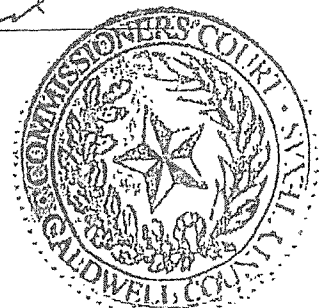
A handwritten signature in black ink, appearing to read "Joe Ivan Roland", written over a horizontal line.

Joe Ivan Roland  
Commissioner, Precinct 4

ATTEST:

A handwritten signature in black ink, appearing to read "Teresa Rodriguez", written over a horizontal line.

Teresa Rodriguez  
Caldwell County Clerk



**Renee Lyle**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, September 25, 2023 10:54 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD  
**Subject:** FW: Public comment on Permit Number 2383

H

**From:** slane3@earthlink.net <slane3@earthlink.net>  
**Sent:** Sunday, September 24, 2023 3:40 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 2383

**REGULATED ENTY NAME** 130 ENVIRONMENTAL PARK

**RN NUMBER:** RN106897036

**PERMIT NUMBER:** 2383

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** 130 ENVIRONMENTAL PARK LLC

**CN NUMBER:** CN604375972

**NAME:** Susan E Lane

**EMAIL:** [slane3@earthlink.net](mailto:slane3@earthlink.net)

**COMPANY:**

**ADDRESS:** 1334 HOMANNVILLE TRL [slane3@earthlink.net](mailto:slane3@earthlink.net)  
LOCKHART TX 78644-2078

**PHONE:** 5124262755

**FAX:**

**COMMENTS:** I request a Contested Case Hearing in regards to this Permit 2383. I am avidly against extending the hours. I live directly across the street from this Landfill and I am directly affected by its presence. This landfill is located in a rural residential area and is a disturbance to us all . We were told it wouldn't smell and of course it does. We can smell it as if we were standing in it! We wake up and go to sleep with the smell and the noise. Now they have put up lights. We treasure our Saturdays and Sundays because it is quiet. There is no need for Saturday hours. The Creedmore dump has working hours from 7a to 7p. Why should this dump be any different. There is no need to extend the hours to a later time. Please honor the people. We have compromised enough!! I received this letter on 9/26/23. Sincerely, Susan E Lane

MSW  
127038

**Debbie Zachary**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, June 21, 2022 10:36 AM  
**To:** PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number 2383

H

**From:** gardenscapes.slane@gmail.com <gardenscapes.slane@gmail.com>  
**Sent:** Monday, June 20, 2022 10:41 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 2383

**REGULATED ENTY NAME** 130 ENVIRONMENTAL PARK

**RN NUMBER:** RN106897036

**PERMIT NUMBER:** 2383

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** 130 ENVIRONMENTAL PARK LLC

**CN NUMBER:** CN604375972

**FROM**

**NAME:** MS Susan Elizabeth Lane

**EMAIL:** [gardenscapes.slane@gmail.com](mailto:gardenscapes.slane@gmail.com)

**COMPANY:**

**ADDRESS:** 1334 HOMANNVILLE TRL  
LOCKHART TX 78644-2078

**PHONE:** 5124262755

**FAX:**

**COMMENTS:** Susan E Lane 1334 Homannville Trail Lockhart, Texas 78644 I would like to request a Contested Case Hearing concerning the proposed limited scope Amendment to Permit 2383. My property is located directly across the street from the 130 Environmental Park. My front gate is about 50 feet from it's location. I am very adversely affected by its presence and would be more so if it was to start operating 24/7 as the permit states. I bought the property for it's quiet location in a rural neighborhood. That would cease to be if it is allowed to operate per the permit. It's already bad

enough and its location should have never have been approved. It smells and during operating hours there is a constant sound of machinery and beep beep beep of the machines over and over again. If they were operated at night, the dark skies would vanish from the lights they would be using. I fear for the garbage that they will be taking in and its toxic content. I have horses and children and plants and stock tanks. Very worried about the toxicity of what they are intending to bring in. I have a landscape business and grow plants here on site and I am worried about the quality of the water and air. Please set up a Hearing so that we can protest this abomination in our peaceful neighborhood and prevent at least the 24/7 operation. Sincerely, Susan E Lane

AGAINST PROPOSED LIMITED SCOPE AMENDMENT TO PERMIT NO. 2383

MSW  
127038

REVIEWED  
JUN 24 2022  
FJ GOW

June 20, 2022

Sueann Lane  
1334 Homannville Trail  
Lockhart, Tx 78644  
512/426-2755

Dear Members of TCEQ,

Please do not approve the Proposed Limited-Scope Amendment to Permit No. 2383

Do not allow the 130 Environmental Park to operate 24/7!!!

We live in a heavily populated Rural Neighborhood directly adjacent to the Dump and request that you honor the TCEQ Commissioner's original recommendation limiting the 130 Environmental Park to ONLY standard hours of operation.

In addition, the Caldwell County Commissioner's Court voted unanimously on April 26, 2022 a resolution opposing the 24/7 operation and waste collection at the 130 Environmental Park.

Since the 130 Environmental Park has started operating it has disrupted our peaceful neighborhood.

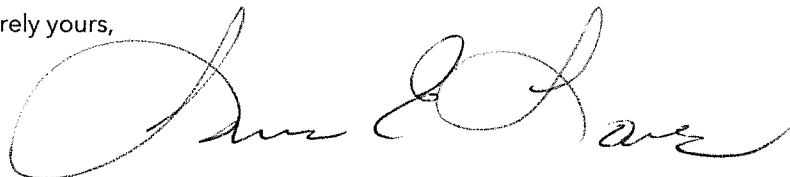
We are all fearful of the toxic garbage and how it might affect our air and water quality.

We hear the machinery and smell the garbage of the dump 5 days a week and do not want it to be able to operate more than it already does.

It will destroy our quiet dark night and weekends!!

Please deny the Proposed Limited-Scope Amendment to Permit No. 2383

Sincerely yours,



CHIEF CLERKS OFFICE

2022 JUN 24 PM 2:22

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Debbie Zachary

MSW  
127038

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, June 21, 2022 10:37 AM  
**To:** PUBCOMMENT-WPD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number 2383

**From:** gardenscapes.slane@gmail.com <gardenscapes.slane@gmail.com>  
**Sent:** Monday, June 20, 2022 10:25 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 2383

**REGULATED ENTY NAME** 130 ENVIRONMENTAL PARK

**RN NUMBER:** RN106897036

**PERMIT NUMBER:** 2383

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** 130 ENVIRONMENTAL PARK LLC

**CN NUMBER:** CN604375972

**FROM**

**NAME:** MS Susan Elizabeth Lane

**EMAIL:** [gardenscapes.slane@gmail.com](mailto:gardenscapes.slane@gmail.com)

**COMPANY:** Gardenscapes

**ADDRESS:** 1334 HOMANNVILLE TRL  
LOCKHART TX 78644-2078

**PHONE:** 5124262755

**FAX:**

**COMMENTS:** June 20, 2022 Susan Lane 1334 Homannville Trail Lockhart, Texas 78644 [gardenscapes.slane@gmail.com](mailto:gardenscapes.slane@gmail.com) 512/426-2755 To whom it may concern at the TCEQ, I am writing in Extreme Protest to the Proposed Limited-Scope Amendment to Permit No. 2383. I live directly across from the 130 Environmental Park in a heavily populated rural Neighborhood. I bought my property in April of 2021. They were just starting on digging up the land and building the berm. Everyone I talked to said it was in Court and wasn't going to happen, but everyday they were digging and as the

weeks went on, we realized they were, without fanfare or grand opening, going about their business regardless of any lawsuit. Why the location of this landfill smack dab in the middle of a rural neighborhood was ever even approved is unconscionable, but beyond the scope of this letter. The 130 Environmental Park is now requesting a permit to operate 24/7. We already all put up with the sound of machinery beeping through the day, 5 days a week and the rancid smells that are starting to waft across our properties from the dump. THAT IS ENOUGH!! We all moved out here for a quiet peaceful country life. Dark skies, clean air, peaceful sounds of nature. Only to have the worst possible business invade our neighborhood. I am protesting the 24/7 operation of this Dump which will destroy everything we moved here for and will lower our property values. To have 24/7 operation, the Landfill must have something more in mind than just local trash. We are worried about what kind of trash will be coming in and the toxicity of that trash. To operate at night, they will need bright lights? What will happen to our now dark skies. How many stars will fade away from view? I'm not sure any of us can take the constant beeping of machinery through the night and weekend. My understanding is that the TCEQ Commissioners Court originally specifically stated that the 130 Environmental Park would be allowed to open with only specific hours of operation during the day time hours of the 5 day work week. In addition, the Caldwell County Commissioner's Court voted unanimously on April 26, 2022 a resolution opposing the 24/7 operation and waste collection at the 130 Environmental Park. Please protect us as your citizens and honor that original agreement and the request of the Caldwell County Commissioner's Court and deny the requested extension of hours in the Proposed Limited-Scope Amendment to Permit No. 2383. Sincerely yours, Susan E Lane



## Renee Lyle

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, September 26, 2023 10:36 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD  
**Subject:** FW: Public comment on Permit Number 2383  
**Attachments:** 2023.09.25 King Family Trust Hearing Request.pdf

H

**From:** gwyneth@txenvirolaw.com <gwyneth@txenvirolaw.com>  
**Sent:** Monday, September 25, 2023 4:53 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 2383

**REGULATED ENTY NAME** 130 ENVIRONMENTAL PARK

**RN NUMBER:** RN106897036

**PERMIT NUMBER:** 2383

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** 130 ENVIRONMENTAL PARK LLC

**CN NUMBER:** CN604375972

**NAME:** Marisa Perales

**EMAIL:** [gwyneth@txenvirolaw.com](mailto:gwyneth@txenvirolaw.com)

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

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

**PHONE:** 5124696000

**FAX:**

**COMMENTS:** Please see the attached hearing request submitted on behalf of the King Family Trust.

PERALES, ALLMON & ICE, P.C.

ATTORNEYS AT LAW

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

Of Counsel:  
David Frederick  
Richard Lowerre  
Brad Rockwell  
Vic McWherter

September 25, 2023

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

*Via TCEQ Online Comment Form*

**Re: Hearing Request regarding 130 Environmental Park, LLC's Application for Limited-Scope Amendment to Permit No. 2383**

Dear Ms. Gharis:

My firm is submitting this hearing request on behalf of the King Family Trust, regarding the application by 130 Environmental Park, LLC ("130EP") for Limited-Scope Amendment to Permit No. 2383.

**I. The King Family Trust is an affected person.**

The King Family Trust owns property known as the Lazy K Ranch. The Lazy K Ranch is located at 764 Homannville Trail and 3925 FM 1185, which is adjacent to the landfill, and is indicated on the land ownership map in 130EP's permit amendment application as tract numbers 22 and 23.

The King Family Trust was previously recognized as an affected person by the Commission and by SOAH, when it sought party status in opposition to 130EP's application for a Type I landfill permit. Because of its proximity to the landfill and the experiences of Mr. Patton King (a designated agent for the King Family Trust, who regularly uses the Lazy K Ranch) and other members of the King family with the current landfill operations, the King Family Trust has justiciable interests, not common to the general public, that have been impacted by the landfill. The interests of the King Family

Trust will be further adversely impacted by the proposed limited-scope amendment, if the Commission were to approve it.

## **II. Background & Comments**

130EP's current permit allows the acceptance of waste between 7:00 a.m. to 7:00 p.m. and the operation of equipment between 5:00 a.m. and 9:00 p.m. on Monday through Friday, which is consistent with TCEQ's Rule 330.135, addressing operating hours. The proposed amendment increases the hours of waste acceptance and adds waste acceptance and operating hours to Saturdays. Specifically, the proposed amendment would allow the acceptance of waste beginning at 5:00 a.m. Monday through Friday, and on Saturdays between 6:00 a.m. and 5:00 p.m. It would also permit additional operating hours on Saturdays between 6:00 a.m. and 6:00 p.m.

The application also appears to expand the types of operations that may be conducted during non-waste acceptance hours. Currently, 130EP's permit allows for operation of equipment between 5:00 a.m. and 9:00 p.m. on Monday through Friday. Now, instead of equipment operation, the application seeks to allow "site operations" to be conducted during those hours and on Saturdays, between 6:00 a.m. and 6:00 p.m. "Site operations" as defined by 130EP includes, among other unspecified activities: construction, material delivery, earthmoving, and transportation of construction materials.<sup>1</sup> For the reasons described below, this permit amendment should be denied. In the alternative, a hearing should be convened to allow for the presentation of evidence regarding 130EP's permit amendment application, and the King Family Trust should be granted party status to participate in the hearing.

As explained in the comments submitted by Mr. King on behalf of the King Family Trust, the current landfill operations, during the standard operating hours, already present disturbances and nuisance conditions that adversely impact nearby residents, including

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<sup>1</sup> Rule 330.135 provides as follows: "A site operating plan must specify the waste acceptance hours and the facility operating hours when materials will be transported on or off site, and the hours when heavy equipment may operate." 130EP's existing permit allows 130EP to accept waste from public and private haulers between 7:00 a.m. and 7:00 p.m. on Monday through Friday. 130EP is allowed to operate equipment from 5:00 a.m. until 9:00 p.m. on Monday through Friday, under its existing permit.

members of the King family. The backup beepers on the landfill vehicles are disruptively loud and can be heard at various times of the day and evening. The loud sounds of the tractor dozers are similarly disruptive, and will become even more disruptive as the waste operations move closer to the Lazy K Ranch. Odors are already an issue, and allowing waste acceptance on Saturdays will make this issue worse, as it will impact weekend activities.

The landfill's existing operating hours are more than adequate. There is simply no need to extend the landfill operating hours.

130EP has presented no new information regarding how expanded operating hours will impact the surrounding community. Under 130EP's proposal, the noise and traffic associated with waste acceptance activities would commence as early as 5:00 a.m. on weekdays and as early as 6:00 a.m. on Saturdays—which would negatively impact the King Family Trust, its members, and the nearby community. But 130EP's application fails to include any analysis regarding potential impacts of expanded operations on the surrounding community.

The Executive Director's Response to Comments failed to adequately address the comments and concerns that Mr. King raised in his written comments. For these reasons, the King Family Trust's hearing request should be granted, and the following issues referred for a contested case hearing:

1. Whether 130EP has presented a valid justification for expanding its site operations and its operating hours;<sup>2</sup>
2. Whether 130EP has presented an adequate analysis of the likely impacts on the neighboring community resulting from the expanded site operations and operating hours it requests;<sup>3</sup>

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<sup>2</sup> See Response to Comments No. 2, 4, 5, & 9.

<sup>3</sup> See Response to Comments No. 4 & 9.

3. Whether 130EP's current operations have negatively impacted the nearby landowners, such that expansion of operations would likely exacerbate those conditions;<sup>4</sup>
4. Whether expanding 130EP's site operations and operating hours are compatible with surrounding land uses;<sup>5</sup>
5. Whether the requested expanded site operations and operating hours will create additional traffic, noise, odor, and nuisance conditions;<sup>6</sup>
6. Whether 130EP's proposed "site operations" (which includes, among other unspecified activities: construction, material delivery, earthmoving, and transportation of construction materials) allows operation activities beyond those contemplated by 130EP's existing permit, and whether those expanded site operations are justified, compatible with surrounding land uses, and adequately protective of the health and environment of the surrounding community.<sup>7</sup>
7. Whether 130EP's request for expanded site operations and operation hours should be denied, because of the adverse impacts it would have on the surrounding community.<sup>8</sup>

### **III. Conclusion**

For the reasons stated above, the King Family Trust requests a contested case hearing regarding 130EP's requested permit amendment.

The King Family Trust may be contacted via my law firm, at the address, phone number, and email listed below, in the signature block.

Respectfully submitted,

/s/ Marisa Perales  
Marisa Perales  
SBN: 24002750  
[marisa@txenvirolaw.com](mailto:marisa@txenvirolaw.com)

---

<sup>4</sup> See Response to Comments No. 4.

<sup>5</sup> See Response to Comments 6 & 8.

<sup>6</sup> See Response to Comments No. 6, 8, & 9.

<sup>7</sup> See Response to Comments No. 9.

<sup>8</sup> See Response to Comments No. 2, 4, 5, 6, 8, & 9.

**Perales, Allmon & Ice, P.C.**

1206 San Antonio St.

Austin, Texas 78701

Tel: (512) 469-6000

Fax: (512) 482-9346

*King Family Trust*

## Debbie Zachary

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, November 14, 2022 4:42 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD  
**Subject:** FW: Public comment on Permit Number 2383  
**Attachments:** 2022.11.10 Patton King Comments.pdf

RFR  
H

**From:** ray@txenvirolaw.com <ray@txenvirolaw.com>  
**Sent:** Monday, November 14, 2022 4:30 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 2383

**REGULATED ENTY NAME** 130 ENVIRONMENTAL PARK

**RN NUMBER:** RN106897036

**PERMIT NUMBER:** 2383

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** 130 ENVIRONMENTAL PARK LLC

**CN NUMBER:** CN604375972

**FROM**

**NAME:** Marisa Perales

**EMAIL:** [ray@txenvirolaw.com](mailto:ray@txenvirolaw.com)

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

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

**PHONE:** 5124696000

**FAX:** 5124829346

**COMMENTS:** Please see the attached comments and hearing request on behalf of Patton King and the King Family Trust.

November 14, 2022

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

*Via TCEQ Online Comment Form*

**RE: Comments and Hearing Request regarding 130 Environmental Park, LLC's Application for Limited-Scope Amendment to Permit No. 2383.**

Dear Ms. Gharis:

My name is Patton King, and I am submitting this comment letter and hearing request on behalf of the King Family Trust. The King Family Trust owns property known as the Lazy K Ranch, which is indicated on the land ownership map in the application as tract numbers 22 and 23. I am an agent for the King Family Trust, and I have been authorized to submit these comments and hearing request on behalf of the King Family Trust. I am also submitting these comments on behalf of myself and my family members, including my mother, Jody King, brother, James King, and sister, Jan King, who also regularly use the Lazy K Ranch.

The address for the Lazy K Ranch is 764 Homannville Trail and 3925 FM 1185, Lockhart, Texas. It is adjacent to the 130 Environmental Park landfill.

Environmental Park's current permit allows the acceptance of waste between 7:00 a.m. to 7:00 p.m. and the operation of equipment between 5:00 a.m. and 9:00 p.m. on Monday through Friday, which is consistent with TCEQ's Rule 330.135, addressing operating hours. The proposed amendment increases the hours of waste acceptance and adds waste acceptance and operating hours to Saturdays. Specifically, the proposed amendment would allow the acceptance of waste beginning at 5:00 a.m. Monday through Friday and on Saturdays between 6:00 a.m. and 5:00 p.m. It would also permit additional operating hours on Saturdays between 6:00 a.m. and 6:00 p.m. . For the reasons described below, this permit amendment should be denied. In the alternative, a hearing should be convened to allow for the presentation of evidence regarding 130 Environmental Park's permit amendment application.



As an initial matter, when 130 Environmental Park first submitted its application for a landfill permit, it requested 24/7 operating hours, but the Administrative Law Judges recommended rejecting that request. In their Proposal for Decision, the ALJs explained that there are residences within very short distances to various portions of the landfill. According to the ALJs, the evidence presented during the SOAH hearing made clear that the noise from heavy equipment operation could be incompatible with those nearby residents, and odors could impact nearby residents, if the operating hours were expanded beyond what is allowed by Rule 330.135.

In fact, 130 Environmental Park's principal engineer for Parts I and II of the application, Kenneth Welch, testified during the SOAH hearing that the landfill operation would generate noise and light during evening hours and that such noise and light could be disruptive to the residents who live near the landfill. While 130 Environmental Park claimed that it needed 24/7 operating hours for business purposes, they provided no evidence concerning the need for expanded operating hours and no evidence regarding efforts to mitigate impacts of its 24/7 operations on the surrounding community.

At TCEQ's regular public meeting, during which the commissioners considered 130 Environmental Park's permit application and the PFD prepared by the ALJs, the TCEQ commissioners appeared to agree with the ALJs concerning the dearth of evidence supporting the request for extended operating hours, beyond what is contemplated by Rule 330.135. The commissioners discussed the option of remanding the application to SOAH to allow 130 Environmental Park another bite at the apple, to attempt to present evidence in support of its request for extended operating hours. Ultimately, however, 130 Environmental Park's counsel represented to the commissioners that the 130 Environmental Park "*facility can certainly adequately and efficiently be operated using the standard operating hours,*" and so, he requested that a permit be issued with the standard operating hours.

130 Environmental Park's latest iteration of its limited scope permit amendment application presents no new information indicating that circumstances have changed, such that the facility can no longer "adequately and efficiently be operated using the standard operating hours." More importantly, 130 Environmental Park has presented the Executive Director with no information regarding how expanded operating hours will impact the surrounding community. In fact, it appears that, once again, 130 Environmental Park has refused to consider the surrounding

community and the incompatibility of its facility with that community. Even Mr. Welch, 130 Environmental Park's initial principal engineer of record, acknowledged that noise and light generated during evening hours could be disruptive to the residents who live near the landfill, but the limited scope permit amendment application fails to address this issue. Without an analysis regarding potential impacts of expanded operations on the surrounding community, the request for expanded operating hours must be denied.

TCEQ's Executive Director is tasked with considering each request for alternative operating hours "on a case-by-case basis, considering the potential impact on surrounding communities." 31 Tex. Reg. 2565 (Mar. 24, 2006). According to the response to comments regarding this rule, the Commission explained:

The rules specify reasonable hours for landfill operations and include authority for the commission to approve operating hours in excess of those stated in the rules. The commission believes that with proper planning, the performance of construction activities and waste acceptance and disposal activities may be accomplished during operating hours. The commission further anticipates that facilities will be staffed and equipped sufficiently to address all activities that are part of landfill operations. The commission is justified in limiting operating hours by the need to protect communities from the potential impacts from landfills. Landfill operations outside the stated hours are more likely to disturb people in residential areas.

*Id.* In other words, the limitations on operating hours in the rule were intended to protect surrounding communities from potential impacts from landfills. So, if a landfill seeks waste acceptance hours before 7:00 a.m. and after 7:00 p.m., it should address the potential impacts to the surrounding community from those landfill operations.

The current landfill operations, during the standard operating hours, already present disturbances and nuisance conditions that adversely impact nearby residents. I can hear the loud noise of the backup beepers on the landfill vehicles, during landfill operations at various times of the day. At night, I have observed lights of landfill vehicles as they move around the landfill. I have also heard the loud sounds of the tractor dozers, which will become even more disruptive as the waste operations move closer to us and our property. When the wind blows a certain direction, odors will emanate from the landfill to our property, and I will have to smell them.

I have never observed the landfill busy enough, or with so many customers, that their existing operating hours appear inadequate. There is simply no need to extend the landfill operating hours.

In sum, 130 Environmental Park has not been a good neighbor to the nearby community. There is no reason to believe that the landfill will be operated in a manner that respects the neighboring residents, should its request for extended operating hours be granted. Before the landfill was constructed and before operations commenced, evenings in the area were tranquil; the night sky was clear and full of stars. The presence of the landfill and its operation have already impacted the tranquility of the area. There is no reason to allow that disruption to begin even earlier in the morning on weekdays, with waste acceptance activities commencing at 5:00 a.m., and essentially all day on Saturdays.

I therefore request that the Commission reconsider their preliminary decision and deny 130 Environmental Park's application for a limited scope amendment to Permit No. 2383. In the alternative, I request a contested case hearing regarding the requested permit amendment.

I may be contacted at the following mailing address: 22834 Mountain Creek Ct, Katy, TX 77450. My phone number is: 832-701-6543. And my email address is: [pattonkinglazykranch@gmail.com](mailto:pattonkinglazykranch@gmail.com).

Sincerely,

/s/ Patton King

Patton King

Agent for the King Family Trust

MSW  
127038

Debbie Zachary

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, July 15, 2022 12:56 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD  
**Subject:** FW: Public comment on Permit Number 2383  
**Attachments:** Patton King comments 130p.pdf

RFR  
H

**From:** pattonkinglazykranch@gmail.com <pattonkinglazykranch@gmail.com>  
**Sent:** Thursday, July 14, 2022 5:19 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 2383

REGULATED ENTY NAME 130 ENVIRONMENTAL PARK

RN NUMBER: RN106897036

PERMIT NUMBER: 2383

DOCKET NUMBER:

COUNTY: CALDWELL

PRINCIPAL NAME: 130 ENVIRONMENTAL PARK LLC

CN NUMBER: CN604375972

FROM

NAME: Patton S King

EMAIL: [pattonkinglazykranch@gmail.com](mailto:pattonkinglazykranch@gmail.com)

COMPANY: Lazy K Ranch

ADDRESS: 22834 MOUNTAIN CREEK CT  
KATY TX 77450-3680

PHONE: 8327016543

FAX:

COMMENTS: Please see attached letter.

July 14, 2022

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

*Via TCEQ Online Comment Form*

**RE: Comments regarding 130 Environmental Park, LLC's Application for Limited-Scope Amendment to Permit No. 2383**

Dear Ms. Gharis:

My name is Patton King, and I am submitting this comment and hearing request on behalf of the King Family Trust. The King Family Trust owns property known as the Lazy K Ranch, which is indicated on the land ownership map in the application as tract numbers 22 and 23. I am an agent for the King Family Trust, and I have been authorized to submit these comments and hearing request on behalf of the King Family Trust. I am also submitting these comments on behalf of myself and my family members, including my mother, Jody King, brother, James King, and sister, Jan King, who also regularly use the Lazy K Ranch.

The address for the Lazy K Ranch is 764 Homannville Trail and 3925 FM 1185, Lockhart, Texas. It is adjacent to the 130 Environmental Park landfill. We have a large family covering 5 generations connected to this Black Angus Cattle Ranch established back in 1939. For over more than 50 years we have provided opportunities for many organizations to enjoy this ranch. The landfill is not compatible with our operation.

The entire majority of Caldwell County must feel the same way since in the beginning the siting ordinance was passed restricting landfill locations and now the resolution was passed by Caldwell County opposing the change to the operating hours.



RESOLUTION 32-2022

RESOLUTION OF CALDWELL COUNTY COMMISSIONERS COURT

WHEREAS, Caldwell County is a subdivision of the State of Texas;

WHEREAS, the Commissioners Court of Caldwell County, Texas, has a duty to its residents to ensure the health, safety, and welfare of its residents and the public at large;

WHEREAS, the 130 Environmental Park solid waste landfill was initially permitted by the Texas Commission on Environmental Quality to operate between the hours of 5:00am to 9:00pm Monday through Friday;

WHEREAS, the 130 Environmental Park landfill now seeks to extend its operating hours to a 24/7 operating schedule;

WHEREAS, the location of the landfill continues to be surrounded by rural residential uses;

WHEREAS, the Commissioners Court previously opposed the application of the 130 Environmental Park solid waste landfill on grounds that included, among other concerns, that the landfill would generate a variety of nuisance conditions(-);

WHEREAS, the Commissioners Court continues to harbor concerns of adverse consequences to the health, safety, and welfare of its residents and the public at large resulting from the landfill's operation;

WHEREAS, in public hearings, numerous residents appeared before the Commissioners Court and recounted their experiences with the nuisance conditions generated by the landfill;

WHEREAS, all public comment expressed the concerns of Caldwell County residents that extending the landfill's hours of operations would result in continual, unending, and worsened nuisance conditions generated by the landfill; and

WHEREAS, no resident spoke in support of extending the landfill's hours of operation;

NOW THEREFORE, BE IT RESOLVED BY THE CALDWELL COUNTY COMMISSIONERS COURT THAT the Caldwell County Commissioners Court opposes extending the operating hours of the 130 Environmental Park solid waste landfill.

ORDERED this the 26<sup>th</sup> day of April, 2022.

Hoppy Haden  
Caldwell County Judge

B.J. Westmoreland  
Commissioner, Precinct 1

Ed Theriot  
Commissioner, Precinct 3

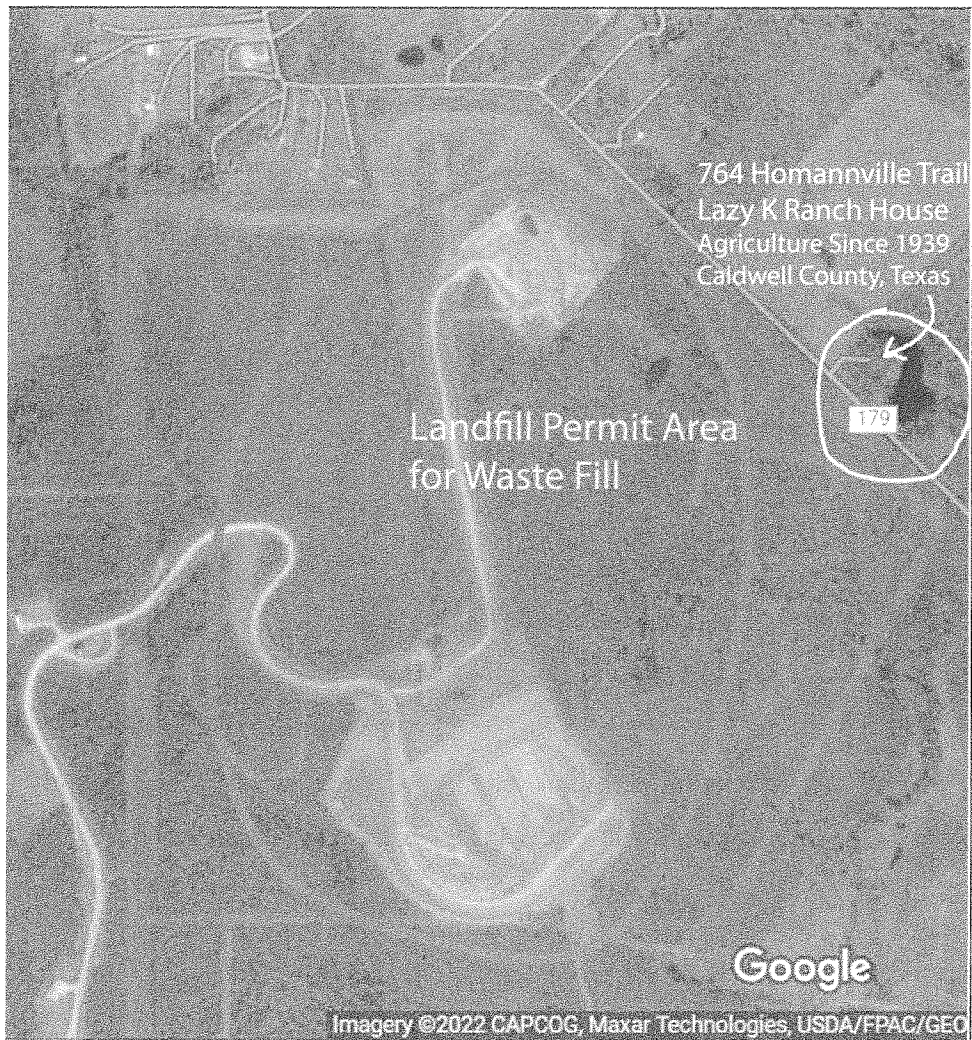
Barbara Shelton  
Commissioner, Precinct 2

Joe Ivan Roland  
Commissioner, Precinct 4

ATTEST:

Teresa Rodriguez  
Caldwell County Clerk





We are too close to the noise, lights, and pollution to consider a 24-hour operation. A lot of people are already suffering from this landfill. Please refer to the TCEQ judgement recently agreed upon to grant the original operating permit.



Boy Scout Troop 209 camping by the lake at 764 Hommanville Trail recently. 100's of family and friends use the Lazy K Ranch yearly for the natural beauty it provides.

I therefore request that the commission reconsider their preliminary decision and deny 130 Environmental Park's application for a limited scope amendment to Permit No. 2383. In the alternative, I request a contested case hearing regarding the requested permit amendment.

I may be contacted at the following mailing address: 22834 Mountain Creek Ct, Katy, TX 77450. My phone number is: 832-701-6543. And my email address is: [pattonkinglazykranch@gmail.com](mailto:pattonkinglazykranch@gmail.com).

Sincerely,

/s/ Patton King

Patton King  
Agent for the King Family Trust



MSW  
127038

Debbie Zachary

---

**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, July 13, 2022 10:43 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD  
**Subject:** FW: Public comment on Permit Number 2383  
**Attachments:** 2022.07.13 Patton King-King Family Trust Comments & Hearing Request.pdf

RFR  
H

**From:** marisa@txenvirolaw.com <marisa@txenvirolaw.com>  
**Sent:** Wednesday, July 13, 2022 9:44 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 2383

**REGULATED ENTY NAME:** 130 ENVIRONMENTAL PARK

**RN NUMBER:** RN106897036

**PERMIT NUMBER:** 2383

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** 130 ENVIRONMENTAL PARK LLC

**CN NUMBER:** CN604375972

**FROM**

**NAME:** Marisa Perales

**EMAIL:** [marisa@txenvirolaw.com](mailto:marisa@txenvirolaw.com)

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

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

**PHONE:** 5124696000

**FAX:** 5124829346

**COMMENTS:** Please see the attached comment letter and hearing request submitted on behalf of Patton King and the King Family Trust.

PERALES, ALLMON & ICE, P.C.

ATTORNEYS AT LAW

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

Of Counsel:  
David Frederick  
Richard Lowerre  
Brad Rockwell

July 13, 2022

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

*Via TCEQ Online Comment Form*

**Re: Comments and Hearing Request regarding 130 Environmental Park, LLC's  
Application for Limited-Scope Amendment to Permit No. 2383 on behalf of Patton King  
and the King Family Trust.**

Dear Ms. Gharis,

Please accept the attached comment letter and hearing request submitted on behalf of  
Patton King and the King Family Trust.

Sincerely,

/s/ Marisa Perales  
Marisa Perales  
Texas Bar No. 24002750  
marisa@txenvirolaw.com

**PERALES, ALLMON & ICE, P.C.**

1206 San Antonio St.  
Austin, Texas 78701  
512-469-6000 (t)  
512-482-9346 (f)

*Attorney for Patton King and  
the King Family Trust*

July 13, 2022

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

*Via TCEQ Online Comment Form*

**RE: Comments and Hearing Request regarding 130 Environmental Park, LLC's Application for Limited-Scope Amendment to Permit No. 2383.**

Dear Ms. Gharis:

My name is Patton King, and I am submitting this comment and hearing request on behalf of the King Family Trust. The King Family Trust owns property known as the Lazy K Ranch, which is indicated on the land ownership map in the application as tract numbers 22 and 23. I am an agent for the King Family Trust, and I have been authorized to submit these comments and hearing request on behalf of the King Family Trust. I am also submitting these comments on behalf of myself and my family members, including my mother, Jody King, brother, James King, and sister, Jan King, who also regularly use the Lazy K Ranch.

The address for the Lazy K Ranch is 764 Homannville Trail and 3925 FM 1185, Lockhart, Texas. It is adjacent to the 130 Environmental Park landfill.

Environmental Park's current permit allows the acceptance of waste between 7:00 a.m. to 7:00 p.m. and the operation of equipment between 5:00 a.m. and 9:00 p.m. on Monday through Friday, which is consistent with TCEQ's Rule 330.135, addressing operating hours. The proposed amendment increases the waste acceptance to 24 hours per day, 7 days per week. For the reasons described below, this permit amendment should be denied. In the alternative, a hearing should be convened to allow for the presentation of evidence regarding 130 Environmental Park's permit amendment application.

As an initial matter, when 130 Environmental Park first submitted its application for a landfill permit, it requested 24/7 operating hours, but the Administrative Law Judges recommended rejecting that request. In their Proposal for Decision, the ALJs explained that there are residences within very short distances to various portions of the landfill. According to the ALJs,

the evidence presented during the SOAH hearing made clear that the noise from heavy equipment operation could be incompatible with those nearby residents, and odors could impact nearby residents, if the operating hours were expanded beyond what is allowed by Rule 330.135.

In fact, 130 Environmental Park's principal engineer for Parts I and II of the application, Kenneth Welch, testified during the SOAH hearing that the landfill operation would generate noise and light during evening hours and that such noise and light could be disruptive to the residents who live near the landfill. While 130 Environmental Park claimed that it needed 24/7 operating hours for business purposes, they provided no evidence concerning the need for expanded operating hours and no evidence regarding efforts to mitigate impacts of its 24/7 operations on the surrounding community.

At TCEQ's regular public meeting, during which the commissioners considered 130 Environmental Park's permit application and the PFD prepared by the ALJs, the TCEQ commissioners appeared to agree with the ALJs concerning the dearth of evidence supporting the request for 24/7 operating hours. The commissioners discussed the option of remanding the application to SOAH to allow 130 Environmental Park another bite at the apple, to attempt to present evidence in support of its request for 24/7 operating hours. Ultimately, however, 130 Environmental Park's counsel represented to the commissioners that the 130 Environmental Park "facility can certainly adequately and efficiently be operated using the standard operating hours," and so, he requested that a permit be issued with the standard operating hours.

130 Environmental Park's limited scope permit amendment application presents no new information indicating that circumstances have changed, such that the facility can no longer "adequately and efficiently be operated using the standard operating hours." More importantly, 130 Environmental Park has presented the Executive Director with no information regarding how expanded operating hours will impact the surrounding community. In fact, it appears that, once again, 130 Environmental Park has refused to consider the surrounding community and the incompatibility of its facility with that community. Even Mr. Welch, 130 Environmental Park's initial principal engineer of record, acknowledged that noise and light generated during evening hours could be disruptive to the residents who live near the landfill, but the limited scope permit amendment application fails to address this issue. Without an analysis regarding potential impacts

of expanded operations on the surrounding community, the request for expanded operating hours must be denied.

TCEQ's Executive Director is tasked with considering each request for alternative operating hours "on a case-by-case basis, considering the potential impact on surrounding communities." 31 Tex. Reg. 2565 (Mar. 24, 2006). According to the response to comments regarding this rule, the Commission explained:

The rules specify reasonable hours for landfill operations and include authority for the commission to approve operating hours in excess of those stated in the rules. The commission believes that with proper planning, the performance of construction activities and waste acceptance and disposal activities may be accomplished during operating hours. The commission further anticipates that facilities will be staffed and equipped sufficiently to address all activities that are part of landfill operations. The commission is justified in limiting operating hours by the need to protect communities from the potential impacts from landfills. Landfill operations outside the stated hours are more likely to disturb people in residential areas.

*Id.* In other words, the limitations on operating hours in the rule were intended to protect surrounding communities from potential impacts from landfills. So, if a landfill seeks waste acceptance hours before 7:00 a.m. and after 7:00 p.m., it should address the potential impacts to the surrounding community from those landfill operations. And before the Commission may grant a request for 24/7 operating hours, it must first evaluate the impacts of those hours to the surrounding community.

The current landfill operations, during the standard operating hours, already present disturbances and nuisance conditions that adversely impact nearby residents. I can hear the loud noise of the backup beepers on the landfill vehicles, during landfill operations at various times of the day. At night, I have observed lights of landfill vehicles as they move around the landfill. I have also heard the loud sounds of the tractor dozers, which will become even more disruptive as the waste operations move closer to us and our property. When the wind blows a certain direction, odors will emanate from the landfill to our property, and I will have to smell them.

I have never observed the landfill busy enough, or with so many customers, that their existing operating hours appear inadequate. There is simply no need to extend the landfill operating hours.

In sum, 130 Environmental Park has not been a good neighbor to the nearby community. There is no reason to believe that the landfill will be operated in a manner that respects the neighboring residents, should its request for extended operating hours be granted. Before the landfill was constructed and before operations commenced, evenings in the area were tranquil; the night sky was clear and full of stars. The presence of the landfill and its operation have already impacted the tranquility of the area. There is no reason to allow that disruption to extend into the overnight hours—the only time neighboring residents enjoy a respite from the obnoxious noise, traffic, odors, and lights generated by landfill operations.

I therefore request that the Commission reconsider their preliminary decision and deny 130 Environmental Park's application for a limited scope amendment to Permit No. 2383. In the alternative, I request a contested case hearing regarding the requested permit amendment.

I may be contacted at the following mailing address: 22834 Mountain Creek Ct, Katy, TX 77450. My phone number is: 832-701-6543. And my email address is: [pattonkinglazykranch@gmail.com](mailto:pattonkinglazykranch@gmail.com).

Sincerely,

/s/ Patton King

Patton King

Agent for the King Family Trust

## Renee Lyle

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, September 26, 2023 10:36 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD  
**Subject:** FW: Public comment on Permit Number 2383  
**Attachments:** 2023.09.25 EPICC Hearing Request\_FINAL.pdf

H

**From:** jaime@txenvirolaw.com <jaime@txenvirolaw.com>  
**Sent:** Monday, September 25, 2023 4:44 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 2383

**REGULATED ENTY NAME** 130 ENVIRONMENTAL PARK

**RN NUMBER:** RN106897036

**PERMIT NUMBER:** 2383

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** 130 ENVIRONMENTAL PARK LLC

**CN NUMBER:** CN604375972

**NAME:** Jaime Zuniga

**EMAIL:** [jaime@txenvirolaw.com](mailto:jaime@txenvirolaw.com)

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

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

**PHONE:** 5124696000

**FAX:**

**COMMENTS:** Please see the attached hearing request on behalf of Environmental Protection in the Interest of Caldwell County (EPICC).

PERALES, ALLMON & ICE, P.C.

ATTORNEYS AT LAW

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

Of Counsel:  
David Frederick  
Richard Lowerre  
Brad Rockwell  
Vic McWherter

September 25, 2023

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

*Via TCEQ Online Comment Form*

**Re: Hearing Request regarding 130 Environmental Park, LLC's Application for Limited-Scope Amendment to Permit No. 2383**

Dear Ms. Gharis:

My firm is submitting this hearing request on behalf of Environmental Protection in the Interest of Caldwell County ("EPICC"), regarding the application by 130 Environmental Park, LLC for Limited-Scope Amendment to Permit No. 2383.

**I. EPICC is an "Affected Person," whose membership includes landowners with standing to request a hearing in their own right.**

EPICC is a non-profit organization whose membership includes landowners adjacent to the site of the 130 Environmental Park, LLC ("130EP" or "Applicant") landfill, as well as other residents of Caldwell County who have been impacted by the existing landfill and will be further impacted if 130EP's application for a permit amendment, seeking to expand operating hours, is granted. Among EPICC's members are Jodie and Byron Friedrich and Patton King.

The Friedrichs' property is located at 2353 FM 1185, which is just northwest/west of the site of the landfill. Mr. King is a representative of the King Family Trust and has a personal justiciable interest in the Lazy K Ranch. The Lazy K Ranch is located at 764 Homannville Trail and 3925 FM 1185, which is adjacent to the landfill, and is indicated on the land ownership map in the application as tract numbers 22 and 23.



EPICC, Byron Friedrich, and the King Family Trust were previously recognized as affected persons by the Commission, when they sought party status in opposition to 130EP's application for a Type I landfill permit. Because of their proximity to the landfill and their experience with the current landfill operations, the Friedrichs and Mr. King have justiciable interests, not common to the general public, that have been impacted by the landfill. Their interests will be further adversely impacted by the proposed limited-scope amendment, if the Commission were to approve it.

## **II. Reiteration of Previous Comments**

130EP's current permit allows the acceptance of waste between 7:00 a.m. to 7:00 p.m. and the operation of equipment between 5:00 a.m. and 9:00 p.m. on Monday through Friday, which is consistent with TCEQ's Rule 330.135, addressing operating hours. The proposed amendment increases the hours of waste acceptance and adds waste acceptance and operating hours to Saturdays. Specifically, the proposed amendment would allow the acceptance of waste beginning at 5:00 a.m. Monday through Friday, and on Saturdays between 6:00 a.m. and 5:00 p.m. It would also permit additional operating hours on Saturdays between 6:00 a.m. and 6:00 p.m.

The application also appears to expand the types of operations that may be conducted during non-waste acceptance hours. Currently, 130EP's permit allows for operation of equipment between 5:00 a.m. and 9:00 p.m. on Monday through Friday. Now, instead of equipment operation, the application seeks to allow "site operations" to be conducted during those hours and on Saturdays, between 6:00 a.m. and 6:00 p.m. "Site operations" as defined by 130EP includes, among other unspecified activities: construction, material delivery, earthmoving, and transportation of construction materials.<sup>1</sup> For the reasons described below, this permit amendment should be denied. In the alternative, a hearing should be convened to allow for the presentation of evidence

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<sup>1</sup> Rule 330.135 provides as follows: "A site operating plan must specify the waste acceptance hours and the facility operating hours when materials will be transported on or off site, and the hours when heavy equipment may operate." 130EP's existing permit allows 130EP to accept waste from public and private haulers between 7:00 a.m. and 7:00 p.m. on Monday through Friday. 130EP is allowed to operate equipment from 5:00 a.m. until 9:00 p.m. on Monday through Friday, under its existing permit.

regarding 130EP's permit amendment application, and EPICC should be granted party status to represent its members and participate in the hearing.

A review of 130EP's initial application for a Type I landfill permit is helpful here. When 130EP first submitted its application for a Type I landfill permit, it requested 24/7 operating hours, but the Administrative Law Judges recommended rejecting that request. In their Proposal for Decision, the ALJs explained that there are residences within very short distances to various portions of the landfill. According to the ALJs, the evidence presented during the SOAH hearing made clear that the noise from heavy equipment operation could be incompatible with those nearby residents, and odors could impact nearby residents, if the operating hours were expanded beyond what is allowed by TCEQ Rule 330.135.

At TCEQ's regular public meeting, during which the commissioners considered 130EP's permit application and the PFD prepared by the ALJs, the TCEQ commissioners appeared to agree with the ALJs concerning the dearth of evidence supporting the request for extended operating hours, beyond what is contemplated by Rule 330.135. The commissioners discussed the option of remanding the application to SOAH to allow 130EP another bite at the apple, to attempt to present evidence in support of its request for expanded operating hours. Ultimately, however, 130EP's counsel represented to the commissioners that the 130 Environmental Park "facility can certainly adequately and efficiently be operated using the standard operating hours," and so, he requested that a permit be issued with the standard operating hours, as set out in Rule 330.135.

130EP's latest iteration of its limited-scope permit amendment application presents no new information indicating that circumstances have changed, such that the facility can no longer "adequately and efficiently be operated using the standard operating hours." More importantly, 130EP has presented no new information regarding how expanded operating hours will impact the surrounding community. In fact, it appears that, once again, 130EP has refused to consider the surrounding community and the incompatibility of its facility with that community. Under 130EP's proposal, the noise and traffic associated with waste acceptance activities would commence as early as 5:00 a.m. on weekdays and as

early as 6:00 a.m. on Saturdays—which would negatively impact the nearby community. But 130EP’s application fails to include any analysis regarding potential impacts of expanded operations on the surrounding community.

TCEQ’s Executive Director is tasked with considering each request for alternative operating hours “on a case-by-case basis, considering the potential impact on surrounding communities.” 31 Tex. Reg. 2565 (Mar. 24, 2006). According to the response to comments regarding this rule, the Commission explained:

The rules specify reasonable hours for landfill operations and include authority for the commission to approve operating hours in excess of those stated in the rules. The commission believes that with proper planning, the performance of construction activities and waste acceptance and disposal activities may be accomplished during operating hours. The commission further anticipates that facilities will be staffed and equipped sufficiently to address all activities that are part of landfill operations. The commission is justified in limiting operating hours by the need to protect communities from the potential impacts from landfills. Landfill operations outside the stated hours are more likely to disturb people in residential areas.

*Id.* In other words, the limitations on operating hours in the rule were intended to protect surrounding communities from potential impacts from landfills. So, for instance, if a landfill seeks waste acceptance hours before 7:00 a.m., it should address the potential impacts to the surrounding community from those landfill operations.

The current landfill operations, during the standard operating hours, already present disturbances and nuisance conditions that adversely impact nearby residents. Residents are subjected to loud noises associated with the construction and operation of the landfill, including, for instance, the backup beepers on the landfill vehicles, at various times of the day, including early morning hours. At night, residents are already subjected to bright lights from vehicles moving around the landfill. Odors associated with landfill operations also present nuisance conditions that nearby residents reasonably anticipate will worsen, if landfill operating hours are extended, as 130EP has proposed.

130EP's latest, amended application adds language, attempting to justify its request to expand operating hours with several unsubstantiated statements. However, these statements continue to ignore the impacts on the surrounding community.

For instance, the application states that allowing waste acceptance to commence at 5:00 a.m. on weekdays and 6:00 a.m. on Saturdays will allow vehicles collecting waste in the early morning hours "to get their first loads of the day to the landfill and return to their collection routes before peak morning traffic times for people travelling to work, students travelling to schools, and others travelling on area roadways, thereby reducing peak hour traffic on roadways providing access to the landfill." But the application offers no support for this theory. In fact, it is unlikely that there is peak hour traffic early Saturday mornings. Further, if there is traffic congestion at 7:00 a.m. on weekdays, because of the nearby schools and residents travelling to work, then, the landfill is likely not compatible with surrounding land uses. The landfill is poorly sited. The solution is not to expand the operating hours of an incompatible landfill, but rather, to seek more protective measures to ensure the safety and well-being of nearby residents and those who rely on nearby roadways for their essential daily commutes. Expanded operating hours will not reduce roadway traffic. To the contrary, it could increase roadway traffic, allowing more waste-hauling vehicles to make additional trips to the facility.

The application further states that the landfill should be open on Saturdays, from 6:00 a.m. until 5:00 p.m., to accommodate individuals who cannot get to the landfill on weekdays. Assuming for the sake of argument that such a need exists to allow individuals to access the landfill on Saturdays, the application still does not address the impacts on surrounding residents. The application does include any evaluation or analysis that explains why this need could not be addressed with more limited hours on Saturdays. Indeed, it is not clear that the landfill would even need to be made accessible every Saturday to meet this claimed need.

The application further states that Saturday operating hours are necessary for businesses that require waste collection and disposal services on Saturdays. But here, again, there is no evaluation of the impacts on the nearby residents. There is no indication of how

many businesses require waste collection and disposal on Saturdays, or whether the landfill would need to be operating all day Saturday, starting at 6:00 a.m. to accommodate this claimed need.

In short, 130EP's latest application for a limited scope permit amendment fails to offer any reasonable justification for expanding the operating hours as proposed, and it fails to consider the impacts of its request on the surrounding community. Similarly, 130EP offers no explanation for its attempt to expand the types of operations that may be conducted during non-waste acceptance hours.

The Executive Director's Response to Comments failed to adequately address the comments and concerns raised by EPICC in its comments. For these reasons, EPICC maintains that its hearing request should be granted, and the following issues referred for a contested case hearing:

1. Whether 130EP has presented a valid justification for expanding its site operations and its operating hours;<sup>2</sup>
2. Whether 130EP has presented an adequate analysis of the likely impacts on the neighboring community resulting from the expanded site operations and operating hours it requests;<sup>3</sup>
3. Whether 130EP's current operations have negatively impacted the nearby landowners, such that expansion of operations would likely exacerbate those conditions;<sup>4</sup>
4. Whether expanding 130EP's site operations and operating hours are compatible with surrounding land uses;<sup>5</sup>
5. Whether the requested expanded site operations and operating hours will create additional traffic, noise, odor, and nuisance conditions;<sup>6</sup>

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<sup>2</sup> See Response to Comments No. 2, 4, 5, & 9.

<sup>3</sup> See Response to Comments No. 4 & 9.

<sup>4</sup> See Response to Comments No. 4.

<sup>5</sup> See Response to Comments 6 & 8.

<sup>6</sup> See Response to Comments No. 6, 8, & 9.

6. Whether 130EP's proposed "site operations" (which includes, among other unspecified activities: construction, material delivery, earthmoving, and transportation of construction materials) allows operation activities beyond those contemplated by 130EP's existing permit, and whether those expanded site operations are justified, compatible with surrounding land uses, and adequately protective of the health and environment of the surrounding community.<sup>7</sup>
7. Whether 130EP's request for expanded site operations and operation hours should be denied, because of the adverse impacts it would have on the surrounding community.<sup>8</sup>

### **III. Organization's Purpose**

EPICC's organizational purpose is to promote the protection of the environment and to preserve and protect the quality of life in Caldwell County. EPICC was formed to prevent the deterioration and destruction of the living environment in Caldwell County and to enhance the living conditions and environment for future generations. In pursuit of these objectives, EPICC represents its members in the decision-making process of governmental entities on issues related to pollution and protection of natural resources.

Participation in this TCEQ proceeding—to oppose 130EP's request to extend its operating hours—is consistent with EPICC's organizational purpose, and the interests the organization seeks to protect are germane to its purpose. The landfill has negatively impacted the quality of life of EPICC's members and has impacted the environment. Expanding the landfill's operating hours will exacerbate the issues that the landfill has already created; thus, EPICC seeks to oppose the request to extend the landfill's operating hours.

### **IV. Participation of individual members is not required.**

EPICC seeks the denial of 130EP's application for a limited-scope amendment, authorizing the expansion of its operating hours. This requested relief does not require the participation of individual members in this case.

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<sup>7</sup> See Response to Comments No. 9.

<sup>8</sup> See Response to Comments No. 2, 4, 5, 6, 8, & 9.

## **V. Conclusion**

In sum, 130 Environmental Park has not been a good neighbor to the nearby community. There is no reason to believe that the landfill will be operated in a manner that respects the neighboring residents, should its request for extended operating hours be granted. The presence of the landfill and its operation have already impacted the tranquility of the area. There is no reason to allow that disruption to begin even earlier in the morning on weekdays, with waste acceptance activities commencing at 5:00 a.m., and essentially all day on Saturdays. To the contrary, the landfill operating hours should be further limited, not expanded, so as to reduce the disruption to the nearby residents and to provide them with some measure of the tranquility they enjoyed before this poorly operated facility transformed the environment.

For the reasons stated above, EPICC requests a contested case hearing regarding 130EP's requested permit amendment.

EPICC may be contacted via my law firm, at the address, phone number, and email listed below, in the signature block.

Respectfully submitted,

/s/ Marisa Perales  
Marisa Perales  
SBN: 24002750  
marisa@txenvirolaw.com

**Perales, Allmon & Ice, P.C.**  
1206 San Antonio St.  
Austin, Texas 78701  
Tel: (512) 469-6000  
Fax: (512) 482-9346

*Counsel for EPICC*

## Debbie Zachary

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, November 14, 2022 4:42 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD  
**Subject:** FW: Public comment on Permit Number 2383  
**Attachments:** 2022.11.10 EPICC Comments & Hearing Request.pdf

RFR  
H

**From:** ray@txenvirolaw.com <ray@txenvirolaw.com>  
**Sent:** Monday, November 14, 2022 4:23 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 2383

**REGULATED ENTY NAME** 130 ENVIRONMENTAL PARK

**RN NUMBER:** RN106897036

**PERMIT NUMBER:** 2383

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** 130 ENVIRONMENTAL PARK LLC

**CN NUMBER:** CN604375972

**FROM**

**NAME:** Marisa Perales

**EMAIL:** [ray@txenvirolaw.com](mailto:ray@txenvirolaw.com)

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

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

**PHONE:** 5124696000

**FAX:** 5124829346

**COMMENTS:** Please see the attached comments and hearing request on behalf of Environmental Protection in the Interest of Caldwell County (EPICC).



PERALES, ALLMON & ICE, P.C.

ATTORNEYS AT LAW

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(512) 469-6000 / (512) 482-9346 (facsimile)  
[info@txenvirolaw.com](mailto:info@txenvirolaw.com)

Of Counsel:  
David Frederick  
Richard Lowerre  
Brad Rockwell

November 14, 2022

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

*Via TCEQ Online Comment Form*

**RE: Comments and Hearing Request regarding 130 Environmental Park, LLC's  
Application for Limited-Scope Amendment to Permit No. 2383**

Dear Ms. Gharis:

My firm is submitting this comment letter and hearing request on behalf of Environmental Protection in the Interest of Caldwell County ("EPICC"), regarding the application by 130 Environmental Park, LLC for Limited-Scope Amendment to Permit No. 2383. EPICC is a non-profit organization whose membership includes landowners adjacent to the site of the 130 Environmental Park, LLC ("130EP" or "Applicant") landfill, as well as other residents of Caldwell County who have been impacted by the existing landfill and will be further impacted if 130EP's application for a permit amendment, seeking to expand operating hours, is granted. Among EPICC's members are Jodie and Byron Friedrich and Patton King. The Friedrichs' property is located at 2353 FM 1185, which is northwest/west of the site of the landfill. As described in his comment letter, Mr. King is a representative of the King Family Trust and has a personal justiciable interest in the Lazy K Ranch, which is indicated on the land ownership map in the application as tract numbers 22 and 23. EPICC, Byron Friedrich, and Patton King were previously recognized as affected persons by the Commission, when they sought party status in opposition to 130EP's application for a Type I landfill permit.

These comments are similar to those that EPICC submitted regarding earlier iterations of the proposed permit amendment. This latest set of comments addresses the most recent amendment to the 130EP Application for a Limited Scope Permit Amendment.

130EP's current permit allows the acceptance of waste between 7:00 a.m. to 7:00 p.m. and the operation of equipment between 5:00 a.m. and 9:00 p.m. on Monday through Friday, which is consistent with TCEQ's Rule 330.135, addressing operating hours. The proposed amendment increases the hours of waste acceptance and adds waste acceptance and operating hours to Saturdays. Specifically, the proposed amendment would allow the acceptance of waste beginning at 5:00 a.m. Monday through Friday, and on Saturdays between 6:00 a.m. and 5:00 p.m. It would also permit additional operating hours on Saturdays between 6:00 a.m. and 6:00 p.m. The application also appears to expand the types of operations that may be conducted during non-waste acceptance hours. Currently, 130EP's permit allows for operation of equipment between 5:00 a.m. and 9:00 p.m. on Monday through Friday. Now, instead of equipment operation, the application seeks to allow "site operations" to be conducted during those hours and on Saturdays, between 6:00 a.m. and 6:00 p.m. "Site operations" as defined by 130EP includes, among other unspecified activities: construction, material delivery, earthmoving, and transportation of construction materials.<sup>1</sup> For the reasons described below, this permit amendment should be denied. In the alternative, a hearing should be convened to allow for the presentation of evidence regarding 130EP's permit amendment application.

A review of 130EP's initial application for a Type I landfill permit is helpful here. When 130EP first submitted its application for a Type I landfill permit, it requested 24/7 operating hours, but the Administrative Law Judges recommended rejecting that request. In their Proposal for Decision, the ALJs explained that there are residences within very short distances to various portions of the landfill. According to the ALJs, the evidence presented during the SOAH hearing made clear that the noise from heavy equipment operation could be incompatible with those

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<sup>1</sup> Rule 330.135 provides as follows: "A site operating plan must specify the waste acceptance hours and the facility operating hours when materials will be transported on or off site, and the hours when heavy equipment may operate." 130EP's existing permit allows 130EP to accept waste from public and private haulers between 7:00 a.m. and 7:00 p.m. on Monday through Friday. 130EP is allowed to operate equipment from 5:00 a.m. until 9:00 p.m. on Monday through Friday, under its existing permit.

nearby residents, and odors could impact nearby residents, if the operating hours were expanded beyond what is allowed by TCEQ Rule 330.135.

In fact, 130EP's principal engineer for Parts I and II of the application, Kenneth Welch, testified during the SOAH hearing that the landfill operation would generate noise and light during evening hours and that such noise and light could be disruptive to the residents who live near the landfill. While 130EP claimed that it needed 24/7 operating hours for business purposes, they provided no evidence concerning the need for expanded operating hours and no evidence regarding efforts to mitigate impacts of its 24/7 operations on the surrounding community.

At TCEQ's regular public meeting, during which the commissioners considered 130EP's permit application and the PFD prepared by the ALJs, the TCEQ commissioners appeared to agree with the ALJs concerning the dearth of evidence supporting the request for extended operating hours, beyond what is contemplated by Rule 330.135. The commissioners discussed the option of remanding the application to SOAH to allow 130EP another bite at the apple, to attempt to present evidence in support of its request for expanded operating hours. Ultimately, however, 130EP's counsel represented to the commissioners that the 130 Environmental Park *"facility can certainly adequately and efficiently be operated using the standard operating hours,"* and so, he requested that a permit be issued with the standard operating hours.

130EP's latest iteration of its limited scope permit amendment application presents no new information indicating that circumstances have changed, such that the facility can no longer *"adequately and efficiently be operated using the standard operating hours."* More importantly, 130EP has presented the Executive Director with no information regarding how expanded operating hours will impact the surrounding community. In fact, it appears that, once again, 130EP has refused to consider the surrounding community and the incompatibility of its facility with that community. Even Mr. Welch, 130EP's initial principal engineer of record, acknowledged that noise and light generated during evening hours could be disruptive to the residents who live near the landfill, but the limited scope permit amendment application fails to address this issue. Without an analysis regarding potential impacts of expanded operations on the surrounding community, the request for expanded operating hours must be denied.

TCEQ's Executive Director is tasked with considering each request for alternative operating hours "on a case-by-case basis, considering the potential impact on surrounding communities." 31 Tex. Reg. 2565 (Mar. 24, 2006). According to the response to comments regarding this rule, the Commission explained:

The rules specify reasonable hours for landfill operations and include authority for the commission to approve operating hours in excess of those stated in the rules. The commission believes that with proper planning, the performance of construction activities and waste acceptance and disposal activities may be accomplished during operating hours. The commission further anticipates that facilities will be staffed and equipped sufficiently to address all activities that are part of landfill operations. The commission is justified in limiting operating hours by the need to protect communities from the potential impacts from landfills. Landfill operations outside the stated hours are more likely to disturb people in residential areas.

*Id.* In other words, the limitations on operating hours in the rule were intended to protect surrounding communities from potential impacts from landfills. So, if a landfill seeks waste acceptance hours before 7:00 a.m. and after 7:00 p.m., it should address the potential impacts to the surrounding community from those landfill operations.

The current landfill operations, during the standard operating hours, already present disturbances and nuisance conditions that adversely impact nearby residents. Residents are subjected to loud noises associated with the construction and operation of the landfill, including, for instance, the backup beepers on the landfill vehicles, at various times of the day, including early morning hours. At night, residents are already subjected to bright lights from vehicles moving around the landfill. Odors associated with landfill operations also present nuisance conditions that nearby residents reasonably anticipate will worsen, if landfill operating hours are extended, as 130EP has proposed.

130EP's latest, amended application adds language, attempting to justify its request to expand operating hours with several unsubstantiated statements. However, these statements continue to ignore the impacts on the surrounding community.

For instance, the application states that allowing waste acceptance to commence at 5:00 a.m. on weekdays and 6:00 a.m. on Saturdays will allow vehicles collecting waste in the early morning hours "to get their first loads of the day to the landfill and return to their collection

routes before peak morning traffic times for people travelling to work, students travelling to schools, and others travelling on area roadways, thereby reducing peak hour traffic on roadways providing access to the landfill.” But the application offers no support for this theory. In fact, it is unlikely that there is peak hour traffic early Saturday mornings. Further, if there is traffic congestion at 7:00 a.m. on weekdays, because of the nearby schools and residents travelling to work, then, the landfill is likely not compatible with surrounding land uses. The landfill is poorly sited. The solution is not to expand the operating hours of an incompatible landfill, but rather, to seek more protective measures to ensure the safety and well-being of nearby residents and those who rely on nearby roadways for their essential daily commutes. Expanded operating hours will not reduce roadway traffic. To the contrary, it could increase roadway traffic, allowing more waste-hauling vehicles to make additional trips to the facility.

The application further states that the landfill should be open on Saturdays, from 6:00 a.m. until 5:00 p.m., to accommodate individuals who cannot get to the landfill on weekdays. Assuming for the sake of argument that such a need exists to allow individuals to access the landfill on Saturdays, the application still does not address the impacts on surrounding residents. The application does include any evaluation or analysis that explains why this need could not be addressed with more limited hours on Saturdays. Indeed, it is not clear that the landfill would even need to be made accessible *every* Saturday to meet this claimed need.

The application further states that Saturday operating hours are necessary for businesses that require waste collection and disposal services on Saturdays. But here, again, there is no evaluation of the impacts on the nearby residents. There is no indication of how many businesses require waste collection and disposal on Saturdays, or whether the landfill would need to be operating all day Saturday, starting at 6:00 a.m. to accommodate this claimed need. Without this information, there is no way for the Executive Director to evaluate whether there is a legitimate need for the expanded operating hours, and there is no information in the application addressing the potential impacts on the surrounding community.

In short, 130EP’s latest application for a limited scope permit amendments fails to offer any reasonable justification for expanding the operating hours as proposed, and it fails to consider the impacts of its request on the surrounding community. Similarly, 130EP offers no

explanation for its attempt to expand the types of operations that may be conducted during non-waste acceptance hours.

In sum, 130 Environmental Park has not been a good neighbor to the nearby community. There is no reason to believe that the landfill will be operated in a manner that respects the neighboring residents, should its request for extended operating hours be granted. Before the landfill was constructed and before operations commenced, evenings in the area were tranquil; the night sky was clear and full of stars. The presence of the landfill and its operation have already impacted the tranquility of the area. There is no reason to allow that disruption to begin even earlier in the morning on weekdays, with waste acceptance activities commencing at 5:00 a.m., and essentially all day on Saturdays. To the contrary, the landfill operating hours should be further limited, not expanded, so as to reduce the disruption to the nearby residents and to provide them with some measure of the tranquility they enjoyed before this poorly operated facility transformed the environment.

EPICC therefore requests that the Executive Director and TCEQ commissioners reconsider the ED's preliminary decision and deny 130 Environmental Park's application for a limited scope amendment to Permit No. 2383. In the alternative, EPICC requests a contested case hearing regarding the requested permit amendment.

EPICC may be contacted via my law firm, at the address, phone number, and email listed below, in the signature block.

Sincerely,

/s/ Marisa Perales  
Marisa Perales  
SBN: 24002750  
marisa@txenvirolaw.com

**Perales, Allmon & Ice, P.C.**  
1206 San Antonio St.  
Austin, Texas 78701  
Tel: (512) 469-6000  
Fax: (512) 482-9346

*Counsel for EPICC*

MSW  
127038

**Debbie Zachary**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, August 23, 2022 7:38 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD  
**Subject:** FW: Public comment on Permit Number 2383  
**Attachments:** 2022.08.22 EPICC Supp Comments & Hearing Request.pdf

RFR  
H

**From:** gwyneth@txenvirolaw.com <gwyneth@txenvirolaw.com>  
**Sent:** Monday, August 22, 2022 2:24 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 2383

**REGULATED ENTY NAME:** 130 ENVIRONMENTAL PARK

**RN NUMBER:** RN106897036

**PERMIT NUMBER:** 2383

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** 130 ENVIRONMENTAL PARK LLC

**CN NUMBER:** CN604375972

**FROM:**

**NAME:** Marisa Perales

**EMAIL:** [gwyneth@txenvirolaw.com](mailto:gwyneth@txenvirolaw.com)

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

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

**PHONE:** 5124696000

**FAX:** 5124829346

**COMMENTS:** Please see the attached supplemental comments and hearing request on behalf of Environmental Protection in the Interest of Caldwell County (EPICC).

PERALES, ALLMON & ICE, P.C.

ATTORNEYS AT LAW

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[info@txenvirolaw.com](mailto:info@txenvirolaw.com)

Of Counsel:

David Frederick

Richard Lowerre

Brad Rockwell

August 22, 2022

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

*Via TCEQ Online Comment Form*

**RE: Supplemental Comments and Hearing Request regarding 130 Environmental Park, LLC's Application for Limited-Scope Amendment to Permit No. 2383**

Dear Ms. Gharis:

My firm is submitting this comment letter and hearing request on behalf of Environmental Protection in the Interest of Caldwell County ("EPICC"), regarding the application by 130 Environmental Park, LLC for Limited-Scope Amendment to Permit No. 2383. This comment letter supplements a previous comment letter and hearing request submitted by my firm on behalf of EPICC on July 15, 2022. EPICC is a non-profit organization whose membership includes landowners adjacent to the site of the 130 Environmental Park, LLC ("130EP" or "Applicant") landfill, as well as other residents of Caldwell County who have been impacted by the existing landfill and will be further impacted if 130EP's application for a permit amendment, seeking to expand operating hours, is granted. Among EPICC's members are Jodie and Byron Friedrich and Patton King. The Friedrichs' property is located at 2353 FM 1185, which is northwest/west of the site of the landfill. As described in his comment letter, Mr. King is a representative of the King Family Trust and has a personal justiciable interest in the Lazy K Ranch, which is indicated on the land ownership map in the application as tract numbers 22 and 23. EPICC, Byron Friedrich, and Patton King were previously recognized as affected persons by the Commission, when they sought party status in opposition to 130EP's application for a Type I landfill permit.



This permit amendment should be denied for the reasons stated in the earlier July 15 comment letter, in addition to the reasons provided below. In the alternative, a hearing should be convened to allow for the presentation of evidence regarding 130EP's permit amendment application.

The Notice of Application and Preliminary Decision regarding 130EP's application for a permit amendment that was published in the Austin-American Statesman on July 21, 2022 failed to include the link to the TCEQ Commissioners' Integrated Database (CID). The CID contains details about the status of an application, as stated in the notice, and is an essential resource for effective public participation in the permitting process. The notice further states, "[o]nce you have access to the CID using the above link . . . "; yet, there is no link for the public to navigate to. *See* Attachment A to this letter. This renders the notice defective and invalid, as it does not comply with TCEQ's regulations, which require an applicant to use the notice text provided and approved by TCEQ. *See* 30 Tex. Admin. Code §§ 39.501(d), 39.411(a), (c)(2). The notice must be re-published, with the link for the Commissioners' Integrated Database.

EPICC supports the determination by Capital Area Council of Governments (CAPCOG)'s Solid Waste Advisory Committee that the application by 130EP does not conform to CAPCOG's 2022-2023 Regional Solid Waste Management Plan and echoes its recommendation that the application be denied. Members of EPICC share many of the concerns that the Solid Waste Advisory Committee noted in its review of the application. The Committee correctly stated that, in the contested case hearing on 130EP's initial application for a Type I landfill permit, both the Administrative Law Judges and the TCEQ commissioners found it appropriate to limit the facility's operating hours to the standard 7 am to 7 pm Monday-Friday hours, which are consistent with TCEQ's Rule 330.135, addressing operating hours.

During the previous contested case hearing, 130EP's counsel represented to the TCEQ commissioners that the 130 Environmental Park "facility can certainly adequately and efficiently be operated using the standard operating hours," and so, he requested that a permit be issued with the standard operating hours. The Committee is again correct in its statement that 130EP has not demonstrated a need for expanding its operating hours at this time. 130EP's limited scope permit amendment application presents no new information indicating that circumstances have changed.

such that the facility can no longer “adequately and efficiently be operated using the standard operating hours.”

EPICC requests that the Executive Director and TCEQ commissioners reconsider the ED’s preliminary decision and deny 130 Environmental Park’s application for a limited scope amendment to Permit No. 2383. In the alternative, EPICC requests a contested case hearing regarding the requested permit amendment.

EPICC may be contacted via my law firm, at the address, phone number, and email listed below, in the signature block.

Sincerely,

/s/ Marisa Perales  
Marisa Perales  
SBN: 24002750  
[marisa@txenvirolaw.com](mailto:marisa@txenvirolaw.com)

**Perales, Allmon & Ice, P.C.**  
1206 San Antonio St.  
Austin, Texas 78701  
Tel: (512) 469-6000  
Fax: (512) 482-9346

*Counsel for EPICC*

# ATTACHMENT A



MSW  
127038

Debbie Zachary

---

**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, July 20, 2022 9:50 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WPD  
**Subject:** FW: Public comment on Permit Number 2383  
**Attachments:** 2022.07.15 EPICC Comments & Hearing Request.pdf

H  
RFR

**From:** marisa@txenvirolaw.com <marisa@txenvirolaw.com>  
**Sent:** Friday, July 15, 2022 4:27 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 2383

REGULATED ENTY NAME 130 ENVIRONMENTAL PARK

RN NUMBER: RN106897036

PERMIT NUMBER: 2383

DOCKET NUMBER:

COUNTY: CALDWELL

PRINCIPAL NAME: 130 ENVIRONMENTAL PARK LLC

CN NUMBER: CN604375972

FROM

NAME: Marisa Perales

EMAIL: [marisa@txenvirolaw.com](mailto:marisa@txenvirolaw.com)

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

ADDRESS: 1206 SAN ANTONIO ST  
AUSTIN TX 78701-1834

PHONE: 5124696000

FAX: 5124829346

COMMENTS: Please see the attached comments and hearing request on behalf of Environmental Protection in the Interest of Caldwell County (EPICC).

PERALES, ALLMON & ICE, P.C.

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Of Counsel:

David Frederick

Richard Lowerre

Brad Rockwell

July 15, 2022

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

*Via TCEQ Online Comment Form*

**RE: Comments and Hearing Request regarding 130 Environmental Park, LLC's  
Application for Limited-Scope Amendment to Permit No. 2383**

Dear Ms. Gharis:

My firm is submitting this comment and hearing request on behalf of Environmental Protection in the Interest of Caldwell County ("EPICC"), regarding the application by 130 Environmental Park, LLC for Limited-Scope Amendment to Permit No. 2383. EPICC is a non-profit organization whose membership includes landowners adjacent to the site of the 130 Environmental Park, LLC ("130EP" or "Applicant") landfill, as well as other residents of Caldwell County who have been impacted by the existing landfill and will be further impacted if 130EP's application for a permit amendment, seeking to expand operating hours, is granted. Among EPICC's members are Jodie and Byron Friedrich and Patton King. The Friedrichs' property is located at 2353 FM 1185, which is northwest/west of the site of the landfill. As described in his comment letter, Mr. King is a representative of the King Family Trust and has a personal justiciable interest in the Lazy K Ranch, which is indicated on the land ownership map in the application as tract numbers 22 and 23. EPICC, Byron Friedrich, and Patton King were previously recognized as affected persons by the Commission, when they sought party status in opposition to 130EP's application for a Type I landfill permit.

130EP's current permit allows the acceptance of waste between 7:00 a.m. to 7:00 p.m. and the operation of equipment between 5:00 a.m. and 9:00 p.m. on Monday through Friday, which is

consistent with TCEQ's Rule 330.135, addressing operating hours. The proposed amendment increases the waste acceptance to 24 hours per day, 7 days per week. For the reasons described below, this permit amendment should be denied. In the alternative, a hearing should be convened to allow for the presentation of evidence regarding 130EP's permit amendment application.

As an initial matter, the notice of 130EP's application for a permit amendment that was published in the Statesman failed to include the link for submitting comments to TCEQ electronically. *See* Attachment A to this letter. This renders the notice defective and invalid, as it does not comply with TCEQ's regulations, which require an applicant to use the notice text provided and approved by TCEQ. *See* 30 Tex. Admin. Code §§ 39.501(d), 39.411(a), (c)(2). The notice must be re-published, with the link for submitting comments to TCEQ electronically.

Next, a review of 130EP's initial application for a Type landfill permit is helpful here. When 130EP first submitted its application for a Type I landfill permit, it requested 24/7 operating hours, but the Administrative Law Judges recommended rejecting that request. In their Proposal for Decision, the ALJs explained that there are residences within very short distances to various portions of the landfill. According to the ALJs, the evidence presented during the SOAH hearing made clear that the noise from heavy equipment operation could be incompatible with those nearby residents, and odors could impact nearby residents, if the operating hours were expanded beyond what is allowed by TCEQ Rule 330.135.

In fact, 130EP's principal engineer for Parts I and II of the application, Kenneth Welch, testified during the SOAH hearing that the landfill operation would generate noise and light during evening hours and that such noise and light could be disruptive to the residents who live near the landfill. While 130EP claimed that it needed 24/7 operating hours for business purposes, they provided no evidence concerning the need for expanded operating hours and no evidence regarding efforts to mitigate impacts of its 24/7 operations on the surrounding community.

At TCEQ's regular public meeting, during which the commissioners considered 130EP's permit application and the PFD prepared by the ALJs, the TCEQ commissioners appeared to agree with the ALJs concerning the dearth of evidence supporting the request for 24/7 operating hours. The commissioners discussed the option of remanding the application to SOAH to allow 130EP another bite at the apple, to attempt to present evidence in support of its request for 24/7 operating hours. Ultimately, however, 130EP's counsel represented to the commissioners that the 130

Environmental Park “facility can certainly adequately and efficiently be operated using the standard operating hours,” and so, he requested that a permit be issued with the standard operating hours.

130EP’s limited scope permit amendment application presents no new information indicating that circumstances have changed, such that the facility can no longer “adequately and efficiently be operated using the standard operating hours.” More importantly, 130EP has presented the Executive Director with no information regarding how expanded operating hours will impact the surrounding community. In fact, it appears that, once again, 130EP has refused to consider the surrounding community and the incompatibility of its facility with that community. Even Mr. Welch, 130EP’s initial principal engineer of record, acknowledged that noise and light generated during evening hours could be disruptive to the residents who live near the landfill, but the limited scope permit amendment application fails to address this issue. Without an analysis regarding potential impacts of expanded operations on the surrounding community, the request for expanded operating hours must be denied.

TCEQ’s Executive Director is tasked with considering each request for alternative operating hours “on a case-by-case basis, considering the potential impact on surrounding communities.” 31 Tex. Reg. 2565 (Mar. 24, 2006). According to the response to comments regarding this rule, the Commission explained:

The rules specify reasonable hours for landfill operations and include authority for the commission to approve operating hours in excess of those stated in the rules. The commission believes that with proper planning, the performance of construction activities and waste acceptance and disposal activities may be accomplished during operating hours. The commission further anticipates that facilities will be staffed and equipped sufficiently to address all activities that are part of landfill operations. The commission is justified in limiting operating hours by the need to protect communities from the potential impacts from landfills. Landfill operations outside the stated hours are more likely to disturb people in residential areas.

*Id.* In other words, the limitations on operating hours in the rule were intended to protect surrounding communities from potential impacts from landfills. So, if a landfill seeks waste acceptance hours before 7:00 a.m. and after 7:00 p.m., it should address the potential impacts to the surrounding community from those landfill operations. And before the Commission may grant



a request for 24/7 operating hours, it must first evaluate the impacts of those hours to the surrounding community.

The current landfill operations, during the standard operating hours, already present disturbances and nuisance conditions that adversely impact nearby residents. Residents are subjected to loud noises associated with the construction and operation of the landfill, including, for instance, the backup beepers on the landfill vehicles, at various times of the day, including early morning hours. At night, residents are already subjected to bright lights from vehicles moving around the landfill. Odors associated with landfill operations also present nuisance conditions that nearby residents reasonably anticipate will worsen, if landfill operating hours are extended, as 130EP has proposed.

There is simply no need to extend the landfill operating hours, and 130EP has offered no reasonable justification for expanding the hours as proposed. The County certainly does not need these expanded hours, as reflected by the resolution the Caldwell County Commissioners Court unanimously passed, opposing the requested expansion of operation hours.

In sum, 130 Environmental Park has not been a good neighbor to the nearby community. There is no reason to believe that the landfill will be operated in a manner that respects the neighboring residents, should its request for extended operating hours be granted. Before the landfill was constructed and before operations commenced, evenings in the area were tranquil; the night sky was clear and full of stars. The presence of the landfill and its operation have already impacted the tranquility of the area. There is no reason to allow that disruption to extend into the overnight hours—the only time neighboring residents enjoy a respite from the obnoxious noise, traffic, odors, and lights generated by landfill operations. To the contrary, the landfill operating hours should be further limited, not expanded, so as to reduce the disruption to the nearby residents.

EPICC therefore requests that the Executive Director and TCEQ commissioners reconsider the ED's preliminary decision and deny 130 Environmental Park's application for a limited scope amendment to Permit No. 2383. In the alternative, EPICC requests a contested case hearing regarding the requested permit amendment.

EPICC may be contacted via my law firm, at the address, phone number, and email listed below, in the signature block.

Sincerely,

/s/ Marisa Perales  
Marisa Perales  
SBN: 24002750  
marisa@txenvirolaw.com

**Perales, Allmon & Ice, P.C.**  
1206 San Antonio St.  
Austin, Texas 78701  
Tel: (512) 469-6000  
Fax: (512) 482-9346

*Counsel for EPICC*

# ATTACHMENT A



REVIEWED RFR  
JUL 15 2022 H  
By GCW

July 13, 2022

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2022 JUL 15 AM 10:04

MSW  
127038

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

CHIEF CLERKS OFFICE

*Via TCEQ Online Comment Form*

**RE: Comments regarding 130 Environmental Park, LLC's Application for Limited-Scope Amendment to Permit No. 2383**

Dear Ms. Gharis:

My name is Frank L. Sughrue, and I am submitting this comment and hearing request on the application by 130 Environmental Park, LLC for Limited-Scope Amendment to Permit No. 2383. I own property which is indicated on the land ownership map in the application as property ID number(s) 10510, 14553, 14555, 10523, 10524 and 14554.

My address is 5118 Barth Rd. Lockhart, TX It is approx. 1.5 miles away from the 130 Environmental Park landfill.

Environmental Park's current permit allows the acceptance of waste between 7:00 a.m. to 7:00 p.m. and the operation of equipment between 5:00 a.m. and 9:00 p.m. on Monday through Friday, which is consistent with TCEQ's Rule 330.135, addressing operating hours. The proposed amendment increases the waste acceptance to 24 hours per day, 7 days per week. For the reasons described below, this permit amendment should be denied. In the alternative, a hearing should be convened to allow for the presentation of evidence regarding 130 Environmental Park's permit amendment application.

As an initial matter, when 130 Environmental Park first submitted its application for a landfill permit, it requested 24/7 operating hours, but the Administrative Law Judges recommended rejecting that request. In their Proposal for Decision, the ALJs explained that there are residences within very short distances to various portions of the landfill. According to the ALJs, the evidence presented during the SOAH hearing made clear that the noise from heavy equipment operation could be incompatible with those nearby residents, and odors could impact nearby residents, if the operating hours were expanded beyond what is allowed by Rule 330.135.

In fact, 130 Environmental Park's principal engineer for Parts I and II of the application, Kenneth Welch, testified during the SOAH hearing that the landfill operation would generate noise and light during evening hours and that such noise and light could be disruptive to the residents who live near the landfill. While 130 Environmental Park claimed that it needed 24/7 operating hours for business purposes, they provided no evidence concerning the need for expanded operating hours and no evidence regarding efforts to mitigate impacts of its 24/7 operations on the surrounding community.

At TCEQ's regular public meeting, during which the commissioners considered 130 Environmental Park's permit application and the PFD prepared by the ALJs, the TCEQ commissioners appeared to agree with the ALJs concerning the dearth of evidence supporting the request for 24/7 operating hours. The commissioners discussed the option of remanding the application to SOAH to allow 130 Environmental Park another bite at the apple, to attempt to present evidence in support of its request for 24/7 operating hours. Ultimately, however, 130 Environmental Park's counsel represented to the commissioners that the 130 Environmental Park "facility can certainly adequately and efficiently be operated using the standard operating hours," and so, he requested that a permit be issued with the standard operating hours.

130 Environmental Park's limited scope permit amendment application presents no new information indicating that circumstances have changed, such that the facility can no longer "adequately and efficiently be operated using the standard operating hours." More importantly, 130 Environmental Park has presented the Executive Director with no information regarding how expanded operating hours will impact the surrounding community. In fact, it appears that, once again, 130 Environmental Park has refused to consider the surrounding community and the incompatibility of its facility with that community. Even Mr. Welch, 130 Environmental Park's initial principal engineer of record, acknowledged that noise and light generated during evening hours could be disruptive to the residents who live near the landfill, but the limited scope permit amendment application fails to address this issue. Without an analysis regarding potential impacts of expanded operations on the surrounding community, the request for expanded operating hours must be denied.

TCEQ's Executive Director is tasked with considering each request for alternative operating hours "on a case-by-case basis, considering the potential impact on surrounding

communities.” 31 Tex. Reg. 2565 (Mar. 24, 2006). According to the response to comments regarding this rule, the Commission explained:

The rules specify reasonable hours for landfill operations and include authority for the commission to approve operating hours in excess of those stated in the rules. The commission believes that with proper planning, the performance of construction activities and waste acceptance and disposal activities may be accomplished during operating hours. The commission further anticipates that facilities will be staffed and equipped sufficiently to address all activities that are part of landfill operations. The commission is justified in limiting operating hours by the need to protect communities from the potential impacts from landfills. Landfill operations outside the stated hours are more likely to disturb people in residential areas.

*Id.* In other words, the limitations on operating hours in the rule were intended to protect surrounding communities from potential impacts from landfills. So, if a landfill seeks waste acceptance hours before 7:00 a.m. and after 7:00 p.m., it should address the potential impacts to the surrounding community from those landfill operations. And before the Commission may grant a request for 24/7 operating hours, it must first evaluate the impacts of those hours to the surrounding community.

The current landfill operations, during the standard operating hours, already present disturbances and nuisance conditions that adversely impact nearby residents. I can hear the loud noise of the backup beepers on the landfill vehicles, during landfill operations at various times of the day. At night, I have observed lights of landfill vehicles as they move around the landfill. I have also heard the loud sounds of the tractor dozers, which will become even more disruptive as the waste operations move closer to us and our property. When the wind blows a certain direction, odors will emanate from the landfill to our property, and I will have to smell them.

I have never observed the landfill busy enough, or with so many customers, that their existing operating hours appear inadequate. There is simply no need to extend the landfill operating hours.

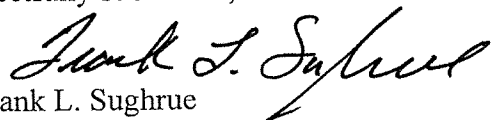
In sum, 130 Environmental Park has not been a good neighbor to the nearby community. There is no reason to believe that the landfill will be operated in a manner that respects the neighboring residents, should its request for extended operating hours be granted. Before the landfill was constructed and before operations commenced, evenings in the area were tranquil; the

night sky was clear and full of stars. The presence of the landfill and its operation have already impacted the tranquility of the area. There is no reason to allow that disruption to extend into the overnight hours—the only time neighboring residents enjoy a respite from the obnoxious noise, traffic, odors, and lights generated by landfill operations.

I therefore request that the commission reconsider their preliminary decision and deny 130 Environmental Park's application for a limited scope amendment to Permit No. 2383. In the alternative, I request a contested case hearing regarding the requested permit amendment.

I may be contacted at the following mailing address: 5118 Barth Road Lockhart, TX 78644. My phone number is: (512) 940-0196. And my email address is: frank@flsauction.com.

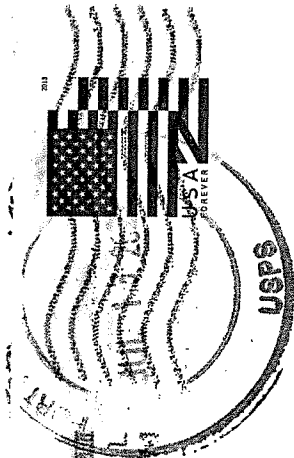
Respectfully submitted,

  
Frank L. Sughrue



Frank L. Sighrve  
5118 Barth Rd  
Cockhart, TX 78044

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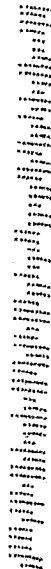
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Laurie Ghanis, Chief Clerk  
Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC 105  
P.O. Box 13087  
Austin, TX 78701-3087

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AGAINST PROPOSED LIMITED SCOPE AMENDMENT TO PERMIT NO. 2383

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127038

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By GAW H

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JUL 14 2022

TCEQ MAIL CENTER  
DA

Date:

Name:

Address:

Phone:

Email:

Dora Gudino Trejo  
1425 Homannville Tr Lockhart TX 78644  
(512) 659-5848

Dear Members of TCEQ, Please do not approve the Proposed Limited-Scope Amendment to Permit No.2383

Do not allow the 130 Environmental Park to operate 24/7!!!

We live in a heavily populated Rural neighborhood directly adjacent to this Dump and request that you honor the TCEQ Commissioner's original recommendation limiting the 130 Environmental Park to ONLY standard weekday hours of operation.

In addition, the Caldwell County Commissioner's Court voted unanimously on April 26, 2022 a resolution opposing the 24/7 operation and waste collection at the 130 Environmental Park.

Since the 130 Environmental Park has started operating, it has disrupted out peaceful neighborhood.

We are all fearful of the toxic garbage and how it might affect our air and water quality.

We hear the machinery and smell the garbage of the dump 5 days a week and do not want it to be able to operate more than it already does.

We all moved here for a peaceful country life with the quiet and the dark start skies.  
24/7 operation of the 130 Environmental Park will destroy all of this.

I would also like to request a Contested Case Hearing in regards to Permit No. 2383

Please deny the Proposed Limited-Scope Amendment to Permit No.2383.

Sincerely,

Dora Gudino Trejo

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QUALITY  
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