

**Citizens' Landfill Permit Compliance Complaint  
c/o Williamson County Public Policy Coalition  
P.O. Box 778  
Hutto, Texas 78634**

Contact person: Mr. Jeff Maurice, 512-970-9565, jeffmaurice@alumni.utexas.net

July 30, 2009

Patty Reeh, Regional Director  
Region 11  
Texas Commission on Environmental Quality  
2800 S. IH 35, Suite 100  
Austin TX 78704-5712

Formal complaint regarding MSW-1405-B

Ms. Reeh:

The below-named citizens and residents of Williamson County, Texas, who strongly support aggressive recycling, are very concerned that Williamson County (permittee) and Waste Management of Texas (WMI - contract operator) for the landfill covered by TCEQ MSW Permit No. 1405-B have placed the recycling program associated with this MSW landfill at serious risk by failing to have the 1405-B MSW permit conform to the requirements for listing structures, appurtenances and activities on the permit application and for not referencing them in the application or the approved permit amendment. We believe it would be tragic if the recycling occurring in this location now, though it is limited in scope and though we are in favor of even more robust recycling, were to be jeopardized because the permittee and contractor have failed to comply with appropriate requirements involving the MSW 1405-B permit.

The structure and activity at issue involve the Williamson County Recycling Center which is located on the east side of the landfill on the south side of Landfill Road, which is the official entrance to the landfill. This structure was present after the proposed permit amendment (expansion) for the landfill was filed some six years ago but before the 1405-B permit amendment was approved earlier this year. With the approval of that permit amendment by TCEQ, the Recycling Center fell within the 1405-B permit area of the Williamson County landfill, apparently without being authorized or even mentioned in the permit amendment application or in TCEQ's final order.

It is unclear as to why this violation has occurred. During the long process leading to TCEQ's approval of MSW Permit No. 1405-B, citizens discussed this very issue with county commissioners

and with Mr. Steve Jacobs, the representative of Waste Management of Texas, and were assured (especially by Mr. Jacobs) that the circumstance was “not a problem.”

Recently, however, in taking up another matter with Williamson County officials regarding a provision in its contract with WMI for establishing a 1,000-foot buffer zone along FM 1660 on the east side of the landfill, Williamson County's Public Information Officer, Connie Watson, did not answer the buffer zone question<sup>1</sup> but provided (so citizens' could self-interpret an answer) a graphic (map) showing the landfill site illustration for MSW 1405-B<sup>2</sup>. The acquisition of this map brought to citizens' attention the fact that the Recycling Center fell within the permit boundary for the landfill. Looking at the graphic provided by Ms. Watson, it is clear that the permit boundary is tightly up against the west side right-of-way of FM 1660. A lightly-drawn but clearly-evident drawing of the recycling facility documents the Recycling Center as sitting forty or so yards east of the landfill entrance (corner of FM 1660 and Landfill Road, on the south side of Landfill Road). The graphic provided by Ms. Watson to citizens and a photograph showing how far the recycling center sits on the west side of FM 1660) can be viewed and downloaded from [www.Renewwilco.org](http://www.Renewwilco.org).<sup>3</sup>

It is frustrating to observe a recycling operation being placed at risk because of this unexplained violation, whether it is due to neglect, not paying attention to business, or some other reason. Citizens recently sent an e-mail to Pct. 4 Commissioner Ron Morrison about this problem, and after about a week had passed, his response stated:

**“Sorry for the delay, just got info that I think is correct. The recycle center (as explained to me) is inside permitted area but outside foot print.”**

One can impute from Commissioner Morrison's response that he (or someone associated with either the county or Waste Management of Texas) believes there somehow is a justification for the Recycling Center not being listed in the permit because it is “outside the foot print.” Unfortunately, and as you know, that is not a proper justification. It is also unfortunate that Commissioner Morrison offered nothing with regard to solving this problem. However, without question, he admits that the Recycling Center is “inside the permitted area”--which doesn't mean that there is “permission” to located it there, but that it rather is within the area described on MSW Permit 1405-B.

After reviewing the county's map, we also have detected another problem. An abandoned residence, the historic Almquist-Johnson house, is also within the permit boundary some 100 yards south of the Recycling Center, and it is also not referenced in the 1405-B permit.

Not shown on the map, but as a matter of visual observation, there is an oil storage tank in the northwest area of the pad of the Recycling Center, which also is not listed in MSW 1405-B.

It is not our intention to place any recycling effort at risk—even the small-scale and limited program offered at this facility—in fact, we are trying to protect it. Accordingly, we believe that the

---

1 This question involved a provision in the contract which stated that there would be a 1,000 foot buffer zone between FM 1660 and the landfill, but that the buffer zone would not diminish the landfill's capacity. Citizens requested an answer to that self-contradictory statement.

2 In addition to being provided as an attachment, citizens have placed the map online at [www.gismedia.com/buffer](http://www.gismedia.com/buffer).

3 Because of the large-scale detail needed to review the Watson graphic, it is placed online for review, along with the photo showing the location of the Recycling Center within the permit boundary.

1405-B permit amendment is not in compliance with TCEQ regulations and state law and needs to be corrected to properly address the Recycling Center. And because there is an oil-storage tank at the Recycling Center's location, we believe a full public explanation (preferably through a public hearing) is in order to deal with this matter, together with a full explanation by all applicable parties regarding why this risk to recycling has been allowed to occur. We officially and formally ask that your office investigate and act on this complaint.

Sincerely,

Robbi Arnett	robbiarnett@yahoo.com
Deena Berg	deena@studiotejas.com
Virginia Bickley	sparky3940@tx.rr.com
Starr-Renee Corbin	starr.corbin@gmail.com
Orlynn Evans	battleofhuttohill@yahoo.com
S. Evelyn Evans	battleofhuttohill@yahoo.com
Carol Fox	cfox374@hotmail.com
Alma Holiday	e-mail address secured
Mary Ellen Kersch	maryellenkersch@verizon.net
Jeff Maurice	jeffmaurice@alumni.utexas.net
Beth Rex	btisfjb@hotmail.com
Steven Salfelder	bearfix@sbcglobal.net
Chris Smith	sandismith2007@yahoo.com
Sandi Smith	sandismith2007@yahoo.com
Cheryl Sparks	sparky3940@tx.rr.com
Jerry Tidwell	jerry_tidwell@pa-jer.com
Jane Leatherman Van Praag	jlvanpraag@sbcglobal.net

---

cc: Barry Kalda, TCEQ Section Manager for Waste/Air