

The Voice of Waller County

Texas Sales Tax Holiday August 7-9

Pintail tries to duck application

Pintail admits that their land-fill application does not meet TCEQ regulations



Life giving water spews from the water table elevation monitoring well. The well is on the proposed Pintail Landfill site. Photo provided by CALH.

HEMPSTEAD – (SOAH) Court in by Pintail for the admis-
On Wednesday, July 22, 2015, Pintail Landfill, LLC submitted a Motion for Continuance and Stay with the State Office of Administrative Hearings (SOAH) Court in the Contested Case Hearing (CCH), seeking to delay the CCH indefinitely because their permit application does not meet TCEQ regulations. The main reason given does not meet regulations is the recent discovery of the rise in the water table

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Quick acting BPD nabs Fulshear robbery suspects

By Brandal Jackson Brookshire Chief of Police
On the evening of Friday July 31, 2015 at 3:30 pm, two men walked into the County Mart Store at 8526 FM 359 Rd. armed with a handgun. One of the robbers displayed the handgun as he put it in the face of the store manager and demanded money. The armed robber took the wallet of the store manager while the second robber took money from the cash register. There was a third robber waiting in the parking lot in the get-away car later identified as a silver Ford Mustang. A store employee activated the store panic alarm to alert the authorities as a citizen sitting in the parking lot of the store witnessed the entire event from his vehicle in the parking lot. The citizen then followed the fleeing vehicle down FM 1488 from Fulshear heading

See Fulshear and Photos of Suspects on Page 7

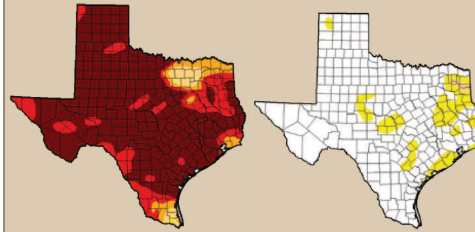
4-H Ambassadors give to Focusing Families



Pictured L-R: Kim Mathis, Director, Beverly Hardee, Resale Manager, Samantha Franklin, Catherin Franklin, Joe Franklin, Charlie Anderson, Rosa Duarte and not pictured is Claudia Nava. Photo provided by 4-H.

By Samantha Franklin County 4-H Ambassadors: Franklin chose Focusing
4-H Ambassador Charlie Anderson,
Catherin Franklin, Joseph
Franklin, and Samantha
This past year Waller
See Ambassadors on Page 3

How high's the water Mama?



U.S. Drought Monitor left July 21, 2011 approximately one week after Pintail began its permitting process. The latest report from July 28, 2015 is shown, right. As you can see the water tables above Waller County are still not at full capacity. As the drought lessens its grip, the water tables will continue to rise putting the proposed landfill even deeper into the groundwater that supplies Waller County wells.

Mayor Wolfe – Fixing application would be miscarriage of justice



Michael Wolfe, Sr. Mayor of Hempstead Photo by Lillie Ruby.

Pintail Landfill admits its application does not comply with TCEQ Rules

Hempstead – TCEQ so they can fix this problem.
The City of Hempstead is asking the Administrative Law Judges-from the State Office of Administrative Hearings (SOAH) to dismiss Pintail Landfill's permit application. In documents filed with SOAH, Pintail has admitted that its permit application does not comply with TCEQ Rules because they did not identify the correct groundwater level underlying the proposed facility. Over the City's rejection Pintail is requesting Judges to send the application back to the
"Pintail's application should be denied," said the Mayor. "They have admitted that the application does not meet TCEQ Rules. From the very beginning this application has been deficient and Pintail has finally admitted that."
The City of Hempstead has major concerns about this application because the dump is proposed to be located on property that could affect the City's drinking water. Rain that
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Don't say no to the judge

August 3, 2015 Dolcefino Consulting
Last April the Waller County District Attorney asked for the files of the special prosecutors in the Highway 6 landfill case. Those Fort Bend County prosecutors closed their investigation last year without calling a single county official to the grand jury.
That is why Elton Mathis wanted to start a special prosecutors said now Dolcefino Consulting has learned the special prosecutors have been asked again to turn over their files, but this time a District Judge is asking.
In the letter to Fort Bend DA John Healy, Judge Buddy Mccaig wrote the Waller County DA is back in charge. "... please ask those gentlemen to return all such investigative and case files."
"The Fort Bend D.A. has already had months to make this happen and hasn't", says Wayne Dolcefino, President of Dolcefino Consulting.
"You have to start wondering what they are afraid of. Are they protecting their shoddy investigation or something else?" It is time for a real investigation. The people of Waller County deserve it. In recent days we have learned the 15- story garbage dump was going to be dug through two feet of precious ground water. That is the environmental disaster landfill opponents have been warning about for years.
We already knew some Waller County Officials didn't tell the truth about their dealings with garbage giant Green Group.
It is time to get to the real bottom of this deal.



Measuring the increase in the hydraulic pressure of the water table from the elevation monitoring well.

Hempstead from Page 1

falls on sandy soils in this area directly provides the sole source of drinking water for the City of

Hempstead. The water on this property is pristine. It flows downstream, and eventually breathes community for cooking, cleaning, and farming. When the City and Citizens Group recently gained access to the site, they observed water spewing from the top of the instrument used to monitor the water table. Shown are some photos of what the team discovered. If the dump is constructed in accordance with the application, it will be constructed under water. The City of Hempstead is famous for its watermelons. All that

could be jeopardized if Pintail gets a free pass," the Mayor said.

The Mayor noted, "It would be a complete miscarriage of justice if Pintail is allowed to fix this application. The City pointed out these problems early on and our concerns were just ignored. The City and Citizens Group have spent over \$1 million fighting this dump." The Mayor went on to state, "If you can't win under these circumstances, what is the point of having an administrative process?"

When asked what the community could expect going forward, the Mayor responded, "We are playing the waiting game." He continued, "While the TCEQ did not take a position on the City's motion to dismiss, we are hopeful they will see the light and realize there is only one acceptable answer to this situation—deny Pintail's application."

If anyone has questions about the status of this process, Mayor



Above, Water table elevation monitoring well spewing groundwater. Below, the stream begins to rise from the water pressure. Photo provided by CALH.

Wolfe may be contacted at (979)826-2486.

Filthy water cannot be washed.
~African Proverb



the plants found there, in addition to the individual requirements of wildlife, will dictate the wildlife species that can effectively be managed. Habitat control, erosion control, predator control, providing supplemental water, providing supplemental food, providing shelter and making census counts are approved wildlife management activities for the wildlife tax exemption. For land to qualify under wildlife management use, the landowner must implement at least three of these seven approved practices. Bird management is a great choice for smaller properties.

Birds can include game birds as well as non-game species. Doves, quail, bluebirds, wrens and the whole group collectively known as songbirds can be targeted through proper habitat management. The eastern bluebird is perhaps one of the better known songbirds in Texas. The male has a bright blue back, reddish chest and a white belly. The female bluebird is not as colorful in appearance. These cavity nesting birds feed on insects. The eastern bluebird is a species often associated with habitat edge. It likes areas where forested or wooded areas and open, pasturelands come together.

Supplemental shelter can be used as a qualifying practice for the wildlife exemption, so what better way to help bluebirds and all cavity nesting birds that to install bird nesting boxes on your property? It's both simple and effective.

Helping songbird

How to limit predators

Bluebird houses should be placed about four to five feet above the ground. For optimal results, landowners can install predator guards, although properly constructed bluebird houses limit most predators. The boxes should have the entrance hole situated in a northerly, easterly or northeasterly direction to keep sunlight from shining directly in the hole during the afternoon. This will result in the overheating the box, the bluebird and its eggs. The nesting box should be placed in the open and spaced approximately 100 yards apart for bluebirds. In forested areas, the boxes can be situated about 60 yards apart for a variety of cavity nesting birds.

Nesting season

It is recommended that all bird nesting boxes be cleaned at least once a year. This can be done prior to the nesting season, during the winter. Any repairs can also be made at that time. Nesting season for eastern bluebirds and most other cavity nesting songbirds Texas takes place from March through August. In short, nesting boxes are an excellent way to provide supplemental shelter for cavity nesting birds on a property. Not only will it help wildlife found in the area, but the practice can be one of the three approved management practices that helps a property qualify for the wildlife tax exemption.

Permit from Page 1

during a site visit by Citizens Against the Landfill in Hempstead (CALH) representatives on Friday, July 17. What they are essentially asking the Administrative Law Judges (ALJs) to do with this Motion is to allow Pintail to go back and totally redesign the landfill and virtually all other aspects of it.

The following is a quote from Pintail attorney, Brent Ryan, in his Motion for Continuance (Note: SHWL = Seasonal High Water Level):

"Because of this newly-discovered water level information, Pintail's permit application, which was based on the SHWL established using the previously collected data from the site, no longer satisfies the requirements of TCEQ's permitting rules. For example, after the SHWL is adjusted based on the new groundwater level data, the excavation for the waste disposal cells at the Pintail Landfill as currently designed will extend below the adjusted SHWL. Until it evaluates this new data and makes appropriate revisions to its permit application, Pintail cannot finalize and submit prefiled evidence that shows compliance with TCEQ's permitting requirements. The changes that will need to be made to Pintail's permit application potentially affect nearly every aspect of the application and the testimony and exhibits of nearly all of Pintail's witnesses."

(emphasis added).

This large rise in the water table should not have been a surprise to Pintail. One of the major points made by CALH and others, time and time again, at TCEQ Public Meetings and in comments sent to the TCEQ during the public comment period, is that the highest readings that Pintail took of the water table during the worst of the 2010 to 2012 drought, were not representative of normal conditions at the location. Yet, Pintail had designed the bottom of the liner to within inches of the readings they had taken during the worst of the drought conditions. In periods of normal and above normal rainfall, when the water table would certainly rise, the landfill liner would be submerged below the water table.

Pintail chose to ignore all the warnings, stick their head in the sand, figuratively, and stop taking readings of the water table after the application was declared technically complete by the TCEQ in late 2012. That is until CALH forced the issue by requesting a second site visit to re-examine these critical water table elevations on July 17th.

On Thursday, July 30, 2015, CALH and the City of Hempstead filed a Formal Response to Pintail's Motion for Continuance, as well as a Motion for Summary Disposition. In those filings, the attorneys for CALH and the City of Hempstead argue

that the Administrative Law Judges (ALJs) over-seeing this matter should dispose of this case with a Proposal for Decision, recommending denial of the permit application based on the grounds that there is no longer any dispute over whether the application meets regulatory requirements, since Pintail now acknowledges that it does not.

Under the Administrative Code, SOAH and the ALJs are charged with the duty of conducting full, fair, and efficient hearings, and their main purpose is determining whether an application complies with all applicable statutory and regulatory requirements. There is no longer any dispute of that.

It is unimaginable that, after four years of fight-

ing this landfill, with CALH and the City of Hempstead collectively having spent more than one million dollars on the CCH alone to prove that the application does not comply with the regulations, the ALJs could grant Pintail's motion for continuance in order to amend "nearly all aspects" of their application on an issue that Pintail had, or surely should have, anticipated. That would be neither fair nor efficient, and would be a travesty of justice to the citizens of this County and of the State.

The joint CALH/CoH Response to Pintail's Motion for Continuance and Stay, and the joint Motion for Summary Disposition are available on CALH's website at <http://stophwy6landfill.com>

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