

TCEQ
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Date

Name

Address

Address

Email Address

Re: Pintail Landfill, LLC - Proposed Landfill Permit Application No. MSW-2391

Dear Sirs,

After more than five years of fighting against the original landfill application that Pintail Landfill, LLC submitted in July, 2011 (MSW-2377), this community and the greater surrounding region was able to defeat that application for several very important reasons.

The most important of those reasons is the plain and simple fact that this site is geologically unsuitable for use as a Municipal Solid Waste Landfill. It is comprised almost entirely of the outcropping of the Willis Sands that make up the recharge zone of the Gulf Coast Aquifer. This recharge zone has very high groundwater flow velocities and has very vulnerable critical receptors of private and public water supplies for the area.

In fact, the City of Hempstead has public water supply wells for its citizens that are downgradient and within one mile of the site. Given the nature of this geology and the high groundwater flow velocities, there is no method of groundwater remediation that could possibly be effective, no matter what level of groundwater monitoring is provided.

The applicant in this matter, along with their various contractors, have proven themselves to be bad actors. They have ignored important and respected scientific published information on the local aquifers and geology and mischaracterized the geology of the site in their previous application. They have destroyed field notes and soil samples that they used in developing their application because they knew that they wouldn't support the geologic "fantasy" that they painted.

They have ignored basic scientific common sense in designing their initial proposed landfill by using water table elevations taken during the worst of a two year long exceptional drought and then prayed that the water tables wouldn't rise before they were able to get their permit approved.

They have used tactics of secrecy and managed to somehow coerce local public officials into supporting them behind the public's back, resulting in civil lawsuits in which those local public officials were found guilty of violating the Texas Open Meetings Act and the Texas Public Information Act. Once those officials left office, both County and Municipal ordinances were put in place to prohibit a landfill at this geologic and environmentally sensitive site.

Pintail has now come back with a vengeance in this new application with a proposal that is 95 feet taller, 23 feet deeper into the water table and with an operating lifetime that is 18 years longer. They are now asking the TCEQ to step into the role of the Judicial Branch of government and make a determination on the legal validity of the Municipal and County Ordinances prohibiting a landfill at this site. This is not the role that our State environmental agency, responsible for environmental quality and the health and safety of our citizens, has the authority to accept.

Local ordinances prohibit the TCEQ from granting a MSW landfill permit at this location and the processing of this application is a waste of agency time, money and resources. It would also be a travesty to put the local community and larger surrounding region, who spent more than five years and spent more than \$1.8 million dollars to defeat the initial bad application, through another round of such a life changing process for all involved.

For these reasons, and many others, it is incumbent upon the TCEQ to refuse to play the role of the Judicial Branch of government in this situation, and to return the application to Pintail Landfill, LLC.

Thank you,

Sincerely,

Signed