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Ref: SOAH DOCKET NO: 582-07-0863  
TCEQ DOCKET NO: 2006-1931-MSW  
Regarding: Order No. 8

From: Nancy Schwarzlose  
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**APPLICATION OF WASTE MANAGEMENT OF TEXAS, INC  
FOR PERMIT NO. 66B**

**CCL CLOSING ARGUMENTS**

**I: Background**

Thank you your Honor for allowing me the opportunity to represent the CCL and for your time and attention to all of the evidence presented pertaining to the Mesquite Creek Landfill. I found the entire proceeding to be very interesting and beneficial, however the concerns of our group still exist and now even on a larger scale.

**II: Geology or Hydrogeology in the Area**

In the testimony of Mr. Graves (Monday, October 22, 2007, Page 70, Volume 1), he confirms that it is his duty as a professional engineer to protect the health, safety and welfare of the public. In reviewing all of his testimony, I am more concerned now for the health, safety, and welfare of our citizens than before. Given the circumstances that this area had a 500 year flood in 1998, a 100 year flood in 2002, and a 100 year flood again in 2007, I feel very uncomfortable with this plan as designed. We have no way of knowing what future rainfall events will bring or when they will occur, but given the severity of the past events, if it were his intentions to protect the public, adequate planning to cover the past events should be allowed for and additional protection levels should considered to allow for the future growth in the area. With all of the uncertainties with regards to flooding and drainage, there is no safety net to protect the public.

With regards to the testimony of Ms. Janet Meaux, I did not find her testimony to be very comforting at all. Her testimony lead me to believe that she only did the testing as she construed the rules allowed. She left me feeling very uncomfortable with the work she had performed for this application.

**III: Groundwater Monitoring System**

After hearing the testimony of Ms. Janet Meaux regarding the lack of any piezometers down in Stratum IV, I question the reasoning for the decision not to place any piezometers in Stratum IV. The applicant is requesting a permit for a facility that has the potential to be very dangerous if not constructed and operated properly. The construction of this facility and the daily operation has the potential to affect the source of our underground water supply. The fact that the application calls for no groundwater monitoring wells to be placed in Stratum IV in the proposed site even though excavation will extend into Stratum IV, gives no consideration or protection for human health or the environment should any release of a pollutant occur in that area of excavation.

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**IV: Groundwater and Surface Water Protection and Drainage Plan**

Having lived in this area or close proximity all of my life, I am well aware of the flooding when we have severe storms. Even with all of the studies that the Applicant has either had performed or has relied upon in this permit application, they have no crystal ball that can either accurately predict the commercial growth or the population growth in this area. The Applicant is proposing construction of a landfill which has a tributary prone to flooding running between the existing landfill and the new one. As the population and commercial construction continually grow, flooding will become more of a problem than it already is, not only for the people downstream, but for the people upstream as well. We have had three major flood events in the area of this landfill since 1998, and with the increased growth above the proposed landfill, each major event has the potential to become worse. As a landowner living in the area, the construction in the area above our property over the last five years has greatly affected our land. Each time it floods, more and more of our land erodes and washes downstream. All construction above the proposed site, whether it is a major highway, county road, commercial business site or residential home, will reduce the amount of surface area that can absorb the rainfall therefore increasing the volume and the rate of flow of water going into Mesquite Creek. Freedom Lake has the potential to overflow, which it has in the past. Any pollutants which may escape from the landfill and flow into Mesquite Creek will flow into Freedom Lake thus flowing downstream into York Creek. This situation could affect the lives of many people, their land, and their livestock.

**V: Slope Stability**

After listening to the testimony by Dr. Gross on behalf of the Applicant regarding slope stability, I have many more concerns regarding the construction and operation of the proposed landfill and the ways in which it might affect our citizens. As landowners and residents in the area, we are not looking for guarantees. We are looking for solid reassurances that this landfill will not affect our health and well being, or that of our children, grandchildren, or great grandchildren. Because of my increased concerns, I researched and read some articles regarding slope stability failures at landfills both nationally and internationally. The largest one nationally occurred in Ohio resulting in liner failure and large amounts of leachate oozing out of the ground. Most of the citizens in our group have lived in this area for many, many years and we know the soil conditions and how the soil will develop huge cracks in it when we experience long periods of time without rain. I am in no way an expert, nor did I understand everything completely in the articles I read, but I did understand that foundation soil conditions are a major component in slope stability designs. One of my major concerns of slope stability is with the construction method proposed for this landfill knowing the soil conditions in this area, and the fact that an inactive fault (which could become active at some time in the future) is also in the near vicinity of the proposed site.

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**VI: Site Operating Plan and Facility Entrance Design**

The proposed operating hours are a major concern for all of the citizens in our group. Extended operating hours with the increased traffic, lights and noise will certainly be a disruption to our everyday lives. Fire protection is also a concern. This proposed site is in the Geronimo Volunteer Fire Departments area of coverage. This is a small rural fire department which relies on volunteers and their ability to be able to respond when a fire or a need arises. After listening to the evidence presented, a major fire at the landfill could present a problem for the site if enough equipment and manpower is not available on site at the time of such a fire. Response time, equipment and manpower available by the fire department might not be adequate to handle certain situations should they occur. Traffic on Schwarzlose and Kohlenberg Roads will most certainly increase which in turn will increase damage to the roads and potential damage to our vehicles. The current proposed site entrance is a danger to anyone traveling on Kohlenberg Road. With the increased volume of traffic estimated for the new proposed site, that danger will certainly increase.

**VII: Additional Arguments**


We live in a society today with health issues being a vital concern for all Americans. We constantly hear about drugs, cigarette smoking, alcohol, obesity and the dangers that all of these may have on our health and well-being. Prescription drugs which were once approved by our government having been tested and retested and thought to be safe, have cost people their lives. Subsequently after the damage has been done, some of these drugs have been removed from the market. The government has passed laws that require companies to have warnings on their packaging stating that it may be hazardous to our health, or labels that show the number of calories and other vitamins, etc that are present in the foods we eat. We even have the seatbelt law which requires us to wear our seatbelts or face a fine if ticketed for not wearing one. These warnings and labels that are required by law to be visible are there to help us to make the right choices in our lives, to protect our health, the health of our children and grandchildren. In all of these instances, it is up to us to make the right decisions to protect our health and well being, yet in this situation the choice is not ours. We will have no control over how this landfill will affect us. If the Applicant is successful in getting this permit granted, our future health and well-being could suffer by the operation of this landfill. One mistake or undetected failure could ultimately, at some point or time in the future, cost someone their life.

All of our concerned citizens and landowners know that a landfill has to be somewhere and that no one wants one in their backyard. We also know that this location is not the best site to have such a facility. We know how the ground cracks and moves when there is no rain and then how it swells when we have too much rain. We have homes with foundation problems because of this very problem. Even with engineered foundations under homes, the problem continues to happen. With all of the uncertainty of soil

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conditions and the changes that evolve over time, we do not feel that this site is suitable to have another landfill. For the future safety of all citizens who might be affected by the landfill, we sincerely hope that you will carefully consider our concerns and the impact that this landfill will have on our lives.

SIGNED December 19, 2007

  
NANCY SCHWARZLOSE  
REPRESENTATIVE FOR CONCERNED  
CITIZENS AND LANDOWNERS