

TRANSCRIPT for a portion of Agenda item No. 27

Williamson County Commissioners Court

Tuesday, August 28, 2007

Transcription by Kurt Johnson, SR. from audio CD provided by the county clerk's office

GATTIS:

Agenda item 27, and I'll recognize Commissioner Long.

LONG:

OK, just a preamble here. One of the things that has been a concern to me and a number of citizens has been the whole issue of the permit, the name on the permit, and etcetera, etcetera, and so what I'd like to do, and I will need some help in forming what that looks like, but I'd like to make a motion that we instruct our attorney, Mark Dietz, who's working on the permit, to either draft a letter for your signature or a resolution that basically solidifies or codifies what you testified to last Monday that the current permit, the 1405-A permit, is that Waste Management is only our contractor, that what they have said all along, that they are perform—they are the contractor, they are not the permittee, they're not the site owner, they're not the site operator, they're simply our contractor. That would clear up the existing permit, the application, and the draft 1405-B permit, that it would clear that up—that it's very clear that the role they play right now is only as our contractor, and my motion is that we have our attorney Mark Dietz draft whatever letter or resolution ... (cut off by Gattis).

GATTIS:

I'm second the motion. I'm grinning at Nancy (Rister, county clerk), because everything you say after "I MOVE" goes into the motion, and that was about ten minutes ago, and Nancy just put her hand down, but as I understand it, to get it right, the motion is that we instruct our outside counsel, Mark Dietz, who's working on the permit, to draft a letter to TECQ (sic) stating that it is Williamson County's intent to be the holder of the permit, and with no other holders of the permit. Do I get a second? Oh, I seconded it. I thought I heard one there somewhere. I was trying to get her to stop—that's why I said that—uh, second to the motion and so now it is open for discussion.

LONG:

And again, my main purpose for that—it has been the source of a lot of confusion and discussion, and I think we've got an opportunity with the hearings going on to clear that up, **but it's on three levels—it's the existing permit, it's the application, and it's the draft new permit.**

RYE (assistant county attorney):

Judge, just for clarification—I think Mark will want to know—is that to change it if it is legally possible?

GATTIS:

Correct. Correct.

LONG:

Based upon what—as I read through the transcripts, because of the fact that we are dealing with an agency, the state agency has actually changed—it went from TNRCC to TCEQ, and definitions have changed, and so this is an attempt to clarify that so that everybody understands what page we're all on, and who's on first.

GATTIS:

Just let me clarify for commissioners, although I think they're clear on it, and partly for the audience here, and some in the audience were there when I was testifying Monday a week ago, and to summarize what I was saying during part of that is that Williamson County believes that we are the holder, and you notice I use holder, because the state, they keep giving you the analysis that we don't own the permit.¹⁶ We're the holder, we want to be the holder, the only holder. There is some questions, and it's legit questions, both backward and forward, as to what is the right way for the operator's name to appear or not appear on that contract (sic—permit). What I testified is that I want TCEQ to tell us what the right way is, and let's get it right, but whatever that result is, we're the holder. Let's get that right. That's what we're saying, and what we're trying to say to that.

COVEY:

Just a follow-up. Are you asking that Waste Management's name be taken off of those three documents?

GATTIS:

Well, that's what we're saying, that if it's legal, if it's the proper thing to take them off, then that's what we want. The TCEQ has got to tell us what's proper or not.¹⁷ There is one definition (that) says you have to have an operator on there.¹⁸ There's another definition that says you don't have to have an operator on there.¹⁹ There's a lot of confusion back and forth, and I see the attorney back there shaking her head up and down. I think she's agreeing with me, that—and Waste Management is agreeing with us, with me I guess—as a result of our conversation, that whatever is legal and right to accomplish that Williamson County is the sole holder and controller of that permit is what we want to happen, whatever that is. All in favor? That motion carries 5-0.