

TJFA, L.P.

**P.O. Box 17126
Austin, TX 78760**

March 13, 2008

LaDonna Castañuela
Office of the Chief clerk, MC 105
Texas Commission for Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RE: Proposed MSW Permit No. 249D

Dear Ms. Castañuela:

Attached are comments submitted on behalf of TJFA, L.P. ("TJFA"). TJFA is managed by the General Partner Garra de Aguila, Inc. I am the President of the General Partner Garra de Aguila, Inc. I am authorized to act on behalf of TJFA. TJFA owns two pieces of real property within one mile of the Waste Management of Texas, Inc. Austin Community Landfill ("ACL"). These properties are located at 5510 Blue Goose Road and 9900 Springdale Road. It is TJFA's opinion that the operation of the ACL facility and the proposed facility permit amendment referenced above have an adverse impact on the use and value of TJFA property in a way that is not common to the general public because of such proximity. TJFA believes the ACL facility will, as operated now and as proposed, impact the use and enjoyment of these properties due to odor, dust, vectors, windblown debris, landfill gas, ground water contamination, surface water contamination, etc. emanating from the facility.

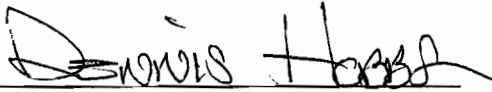
A public notice (Attachment 1) of an Application and Preliminary Decision on Proposed MSW Permit No. 249D was published in the Austin American-Statesman on February 13, 2008. Public comments are due March 14, 2008. I am submitting the attached public comments (Attachment 2) on behalf of TJFA in response to this public notice. It is TJFA's understanding the permit amendment application was processed under the MSW regulations in effect after March 29, 2006. In TJFA's opinion, under those regulations the proposed permit amendment does not adequately address the attached list of relevant and material issues. On behalf of TJFA, I request the Executive Director return the proposed permit amendment to the applicant for further changes consistent with the attached comments and resubmit when corrected. Furthermore, as a person affected by the current and proposed facility, TJFA respectfully requests that a contested case hearing be held on the disputed relevant and material issues contained in the attached comments. TJFA believes there is a significant degree of public interest in the application, and therefore, requests a public meeting for other members of the public to submit comments or to ask questions about the application.

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If you have any questions on these comments or requests, you may reach me at (512) 421-1300.

TJFA, L.P., a Texas limited partnership

By: Garra de Aguila, Inc., a Texas corporation,
General Partner

By: 
Dennis Hobbs, President

Enclosures

Wednesday, February 13, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR A MUNICIPAL SOLID WASTE PERMIT AMENDMENT PROPOSED PERMIT NO. MSW 249D APPLICATION AND PRELIMINARY DECISION. Waste Management of Texas, Inc., 9900 Giles Road, Austin, Texas 78754, has applied to the Texas Commission on Environmental Quality (TCEQ) for a permit amendment to authorize a lateral expansion to increase the volume and site life of the Austin Community Recycling and Disposal Facility, an existing Type I municipal solid waste landfill facility located on 9900 Giles Road, approximately 250 feet north of the intersection of Giles Road and Highway 290, in Austin, Travis County, Texas. The proposed lateral expansion will add 71.11 acres to the permitted boundary of the facility, for a total permitted area of 359.71 acres, while maintaining the currently permitted maximum elevation of 740 feet above mean sea level. The Austin Community Recycling and Disposal Facility is authorized to accept municipal solid waste, defined as solid waste resulting from, or incidental to, municipal, community, commercial, institutional, and recreational activities, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and all other solid waste other than industrial solid waste. The facility also accepts brush, construction-demolition waste, special waste, nonhazardous Class 2 and Class 3 industrial solid waste. The permit amendment application was initially submitted to the TCEQ on August 26, 2005, in accordance with the rules in Chapter 330 of Title 30 of the Texas Administrative Code (30 TAC) that were in effect prior to the March 2006 revisions to those rules (the "March 2006 Revisions"). The applicant subsequently elected to update the application to meet the March 2006 Revisions. The updated application was submitted on October 10, 2006. The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this proposed permit, if issued, meets all applicable statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the University Hills Branch Library, 4721 Loyola Lane, Austin, Texas 78723. **MAILING LISTS.** You may ask to be placed on a mailing list to obtain additional information regarding this application by sending a request to the TCEQ Office of the Chief Clerk at the address below. You may also ask to be on a county-wide mailing list to receive public notices for TCEQ permits in the county. **PUBLIC COMMENT/PUBLIC MEETING.** You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the public the opportunity to submit comments or to ask questions about the application. The TCEQ will hold a public meeting if the Executive Director determines that there is substantial public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing. **All written public comments and requests for a public meeting must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087, within 30 days from the date of newspaper publication of this notice.** **OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or otherwise significant public comments. **Unless the application is directly referred for a contested case hearing, the Executive Director's response to comments, along with the Executive Director's decision on the application, will be mailed to everyone who submitted public comments or who requested to be on a mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. A contested case hearing is a legal proceeding similar to a civil trial in a state district court. A person who may be affected by the facility or the proposed expansion of the facility is entitled to request a contested case hearing from the Commission. A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised during the public comment period and not withdrawn. Issues that are not timely raised in public comments may not be considered during a hearing.** **TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR WRITTEN REQUEST:** your name, address, daytime telephone number, and, if applicable, your fax number; the applicant's name and permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a manner not common to the general public, including a description of any uses of your property that may be impacted by the facility; and the statement "[I/we] request a contested case hearing." If the request for a contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the facility; provide the information discussed above regarding the affected member's location and distance from the facility; explain how and why the member would be affected by the facility; and

explain how the interests the group seeks to protect are relevant to the group's purpose. Documents that are filed with the TCEQ Chief Clerk before the public comment deadline that comment on the application but do not request a contested case hearing shall be treated as public comment. **EXECUTIVE DIRECTOR ACTION.** The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed with the TCEQ Office of the Chief Clerk at the address above within 30 days following transmittal of the Executive Director's decision and response to public comments on the application. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and requests to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. **INFORMATION.** If you need more information about this permit amendment application or the permitting process, please contact the TCEQ Office of Public Assistance, toll free, at 1-800-687-4040, or in writing at Office of Public Assistance, MC 108, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. General information about the TCEQ can be found at our web site at www.tceq.state.tx.us. Further information may also be obtained from Waste Management of Texas, Inc., at the address stated above or by calling the applicant's representative, Mr. Steve Jacobs, at (512) 272-6245. ISSUED: Feb. 08, 2008

First Date Published: 13-Feb-08

Source: Statesman Classifieds

Attachment 2
Public Comments on Proposed MSW Permit No. 249D
In Travis County by Waste Management of Texas, Inc.

Relevant and Material Issues Which Are Not in Compliance With TCEQ Rules
The Permit Amendment Application ("PAA") fails to demonstrate that natural drainage patterns will not be significantly altered.
The PAA does not include adequate provisions to control disease vectors.
The PAA does not propose adequate protection of ground water and surface water.
The PAA does not include adequate provisions to control odors.
The PAA does not include adequate provisions to manage landfill gas.
The PAA does not include adequate provisions for slope stability.
The PAA does not include adequate provisions for the control of spilled waste and windblown debris.
The PAA does not include adequate provisions for ground water monitoring such as a suitable liner quality control plan.
The PAA does not include adequate provisions for the construction of liners.
The PAA does not include adequate provisions for calculating the estimated rate of solid waste deposition and operating life of the site.
The PAA does not include adequate provisions for closure and post-closure care.
The PAA does not include adequate provisions for managing and disposing of special waste.
The PAA does not include adequate provisions for preventing unauthorized wastes from being disposed in the landfill.
The PAA does not include adequate provisions related to transportation issues.
The PAA does not include adequate provisions for dust control and maintenance of site access roads.
The PAA does not include adequate provisions for the protection of endangered or threatened species.

The PAA does not include adequate provisions for soil daily cover.
The PAA does not include adequate provisions for the protection of wetlands
The PAA should be denied based on WMI's compliance history.
The PAA does not include adequate provisions for fire protection.
The PAA does not include adequate provisions for compliance with financial assurance requirements.
The PAA does not include adequate provisions for whether the proposed expansion is compatible with land use in the surrounding area.
The PAA does not include adequate provisions for buffer zones and landscape screening.
The PAA does not include adequate provisions for the landfill's operating hours.
The PAA does not include adequate provisions for erosion control.
The PAA does not include adequate provisions for the control of contaminated water.
The PAA does not include adequate provisions for the management of leachate.
The PAA does not include adequate provisions for the location of the point of compliance along the boundary with the old Travis County Landfill.
The PAA does not include adequate provisions for the characterization of the site geology and hydrogeology, including faults.