

May 12, 2005

Mr. Mike Nicely
Federal Aviation Administration
Texas Airport Development Officer
2601 Meacham Blvd.
Ft. Worth, Texas 76193-0650

Re: The landfills at the end of the runways at Austin-Bergstrom International and the pending expansion of those landfills by the City of Austin

Dear Mr. Nicely:

After considerable media attention and concern expressed to Austin City Council members, the City of Austin legal staff has reversed its position to refuse to divulge the terms of the proposed landfill contract. The City of Austin Solid Waste staff has released copies of the proposed contract with a private operator for the management, consolidation with an adjacent landfill, and expansion of the City's garbage dump to the immediate south side of Runways 17L/35R and 17R/35L at Austin-Bergstrom International Airport (ABIA). Attached is a copy of the proposed contract.

This proposed contract is further concern for those who fly airplanes and those who travel by air both commercially, for business or as general aviation.

- At no place in the contract does language mention the FAA.
- No mention is made of the requirements placed by the FAA for the continuation of the existing waiver or a requirement of the new operator, IESI to abide by these requirements.
- At no place in the contract does the language require that the City of Austin's Type I facility permit amended to a Type IV facility for the integrated facility.
- At no place does it restrict brush from being burned.
- The Wildlife Control plan is a list of recommendation and suggestions with no requirement (or penalties for failure) to implement.
- The contract also does not require a height restriction of 580 ft MSL after Phase I integration and expansion of the two existing facilities is completed.

The City solid waste staff continues to reiterate their argument that the landfills do not pose a safety threat to the public that travels by air. The "FAA approval" of their landfills is cited as foundation of that position. TXAA knows that the FAA is not in the business of "approving" landfills. But when an accident eventually occurs, whether it

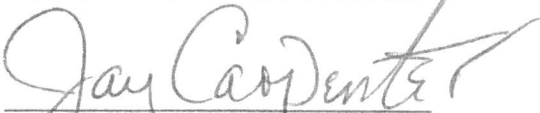
results from increased exponential growth in flight activities at ABIA over the next 90 years with the same number of birds or from more birds feeding at the expanded landfill or any other reason, the City staff will be pointing the plaintiff's attorneys to the FAA and citing the FAA approval as the culprit.

The Texas Aviation Association continues to urge the FAA to withdraw its waiver and to inform the City of Austin that continuation of the operation of the dumpsites immediately adjacent to the ABIA is in violation of the FAA rule against any dumps within five (5) miles of the airport. In the interim, please review the proposed contract and contact the City of Austin Mayor, Will Wynn, (512) 974-2250 and voice the FAA's concern over the expansion of 12,000,000 cubic yards of trash, the lack of height restrictions in Phase II, remind them of the grant authority agreement violations that can occur if any contract to operate landfills within five miles does not meet FAA waiver requirements., and clarify for the City Staff that the FAA does not "approve" landfills at the end of runways.

Your reply is requested.

Respectfully submitted,

TEXAS AVIATION ASSOCIATION

By: 

Jay Carpenter, President
Texas Aviation Association
P.O. Box 200308
Austin, Texas 78720-0308
(512) 454-9476

cc: The Honorable Lloyd Doggett
The Honorable Senator Kay Bailey Hutchison
The Honorable Senator John Cornyn