

Hoppy Haden
County Judge
512 398-1808

Angela Rawlinson
County Treasurer
512 398-1800

Danie Teltow
County Auditor
512 398-1801



Caldwell County Courthouse
110 South Main Street
Lockhart, TX 78644
Fax: 512 398-1828

B.J. Westmoreland
Commissioner Precinct 1

Barbara Shelton
Commissioner Precinct 2

Edward "Ed" Theriot
Commissioner Precinct 3

Joe Ivan Roland
Commissioner Precinct 4

June 22, 2022

Mr. Blake A. Hawthorne
Clerk of the Court
Texas Supreme Court
P.O. Box 12248
Austin, Texas 78711

Re: No. 21-0717, TJFA, L.P.; Environmental Protection in the Interest of Caldwell County; James Abshier; and Bryon Friedrich v. Texas Commission on Environmental Quality and 130 Environmental Park, LLC

To the Honorable Texas Supreme Court:

I am writing this letter pursuant to Texas Rule of Appellate Procedure 11 in support of the Petition for Review in the above-referenced case.

Statement of Amicus Curiae Interest

I currently serve as a Caldwell County Commissioner and was also serving on the Caldwell County Commissioners Court when the Commission adopted the ordinance at issue in this case. On December 9, 2013, the other

Caldwell County Commissioners and I unanimously adopted the ordinance, which prohibited landfills in part of the County, but also designated an area in the County where landfills could be sited.

My interests in this case include proper respect for the role that the Legislature created for local governments like Caldwell County in managing solid waste. As a County Commissioner, I am particularly interested in respect for the democratic process that produces our duly adopted local ordinances. Regardless of agreement or disagreement with the outcomes of adopted ordinances, proper respect for the authority they represent is important.

TCEQ should not ignore ordinances like the Caldwell County Ordinance.

The Legislature established a role for local governments in managing the State's solid waste by creating authority for counties and cities to restrict where solid waste landfills may be located in their jurisdictions. Under Texas Health & Safety Code §§ 363.112 and 364.012, the Caldwell County Commissioners Court maintains authority to restrict the location of landfills until a landfill permit application is filed with the TCEQ.

The Legislature created this authority for local governments, like the Caldwell County Commissioners Court, to ensure that local concerns and expertise had a place in the statutory solid waste management scheme. The

lower court misinterpreted the statutory provisions and erroneously allowed TCEQ to ignore the Caldwell County Ordinance.

The Caldwell County Commissioners Court considered its ordinance through its regular process, which appropriately included significant public input and resulted in a unanimous vote. TCEQ did not give the ordinance the deference it was due under the Legislature's design, which explicitly includes a role for local authorities in addition to the state agency.

I respectfully ask the Court to accept review of the case and correct the lower court's erroneous decision so that local governments can properly fulfill the role given to them by the Legislature in landfill planning.

In compliance with Texas Rule of Appellate Procedure 11(c), I state that no fee was paid or is to be paid for preparation of this amicus letter.

Respectfully submitted,

/s/ Joe Roland

Joe Roland

Precinct 4 Commissioner

Caldwell County Commissioners Court

CERTIFICATE OF SERVICE

I certify that on June 22, 2022, a copy of this amicus letter is being served on all parties to the case through electronic service through eFile.TXCourts.gov.

/s/ Joe Roland

Joe Roland
Precinct 4 Commissioner
Caldwell County Commissioners Court
110 S. Main Street
Lockhart, Texas 78644
Phone: (512) 398-1808
Fax: (512) 512) 398-1828
joe.roland@co.caldwell.tx.us

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below:

Gina Verlander on behalf of Melanie Plowman
Bar No. 24002777
gverlander@adjtlaw.com
Envelope ID: 65657523
Status as of 6/22/2022 9:38 AM CST

Associated Case Party: TJFA, L.P., Environmental Protection

Name	BarNumber	Email	TimestampSubmitted	Status
Melanie Plowman		mplowman@adjtlaw.com	6/22/2022 9:23:26 AM	SENT
Eric Michael Allmon	24031819	eallmon@txenvirolaw.com	6/22/2022 9:23:26 AM	SENT
Marisa Perales	24002750	marisa@txenvirolaw.com	6/22/2022 9:23:26 AM	SENT
Eric Allmon		eallmon@lf-lawfirm.com	6/22/2022 9:23:26 AM	SENT
Amy Warr		awarr@adjtlaw.com	6/22/2022 9:23:26 AM	SENT
Wallace B. Jefferson		wjefferson@adjtlaw.com	6/22/2022 9:23:26 AM	SENT

Associated Case Party: Texas Public Policy Foundation

Name	BarNumber	Email	TimestampSubmitted	Status
Yvonne Simental		ysimental@texaspolicy.com	6/22/2022 9:23:26 AM	SENT
Robert Henneke		rhenneke@texaspolicy.com	6/22/2022 9:23:26 AM	SENT
Autumn HamitPatterson		apatterson@texaspolicy.com	6/22/2022 9:23:26 AM	SENT

Associated Case Party: 130 Environmental Park, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Michael S. Truesdale	791825	mtruesdale@enochkever.com	6/22/2022 9:23:26 AM	SENT
Brent W. Ryan	17469475	bryan@msmtx.com	6/22/2022 9:23:26 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Cathi Trullender		ctrullender@adjtlaw.com	6/22/2022 9:23:26 AM	SENT

Associated Case Party: Texas Comm'n on Environmental Quality

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below:

Gina Verlander on behalf of Melanie Plowman
Bar No. 24002777
gverlander@adjtlaw.com
Envelope ID: 65657523
Status as of 6/22/2022 9:38 AM CST

Associated Case Party: Texas Comm'n on Environmental Quality

Name	BarNumber	Email	TimestampSubmitted	Status
Kellie Billings-Ray	24042447	Kellie.Billings-Ray@oag.texas.gov	6/22/2022 9:23:26 AM	SENT
Priscilla M. Hubenak	10144690	Priscilla.Hubenak@oag.texas.gov	6/22/2022 9:23:26 AM	SENT
Laura Courtney		laura.courtney@oag.texas.gov	6/22/2022 9:23:26 AM	SENT