

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 10, 2022

TO: All interested persons.

RE: City of Waco  
Permit No. 2400

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Comments (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Waco-McLennan County Central Library, 1717 Austin Avenue, McLennan County, Texas 76701 and at the Biggs Memorial Library, 305 Rusk Street, Mexia, Texas 76667 and may be viewed online at <https://www.waco-texas.com/landfill-application-process.asp>.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. The procedures for the Commission's evaluation of hearing requests/requests for reconsideration are located in 30 Texas Administrative Code Chapter 55, Subchapter F. A brief description of the procedures for these two types of requests follows.

### **How to Request a Contested Case Hearing.**

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The Commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
  - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
  - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
  - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities. A person who may be affected by emissions of air contaminants from the facility is entitled to request a contested case hearing.

Your request must raise disputed issues of fact that are relevant and material to the Commission's decision on this application that were raised **by you** during the public comment period. The request cannot be based solely on issues raised in comments that you have withdrawn.

To facilitate the Commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to **your** comments that you dispute; 2) the factual basis of the dispute; and 3) list any disputed issues of law.

### **How to Request Reconsideration of the Executive Director's Decision.**

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

### **Deadline for Submitting Requests.**

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at [www.tceq.texas.gov/agency/decisions/cc/comments.html](http://www.tceq.texas.gov/agency/decisions/cc/comments.html) or by mail to the following address:

Laurie Gharis, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

### **Processing of Requests.**

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the TCEQ's Alternative Dispute Resolution Program and set on the agenda of one of the Commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

### **How to Obtain Additional Information.**

If you have any questions or need additional information about the procedures described in this letter, please call the Public Participation and Education Program, toll free, at 1-800-687-4040.

Sincerely,



Laurie Gharis  
Chief Clerk

LG/mo

Enclosure

**EXECUTIVE DIRECTOR'S RESPONSE TO COMMENTS**  
**for**  
**City of Waco**  
**Permit No. 2400**

The Executive Director has made the Response to Comments (RTC) for the application by the City of Waco for Permit No. 2400 available for viewing on the Internet. You may view and print the document by visiting the TCEQ Commissioners' Integrated Database at the following link:

<https://www.tceq.texas.gov/goto/cid>

In order to view the RTC at the link above, enter the TCEQ ID Number for this application (2400) and click the "Search" button. The search results will display a link to the RTC. When viewing the RTC, it will be an attachment to the cover letter and may need to be downloaded depending on the browser.

Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov).

**Additional Information**

For more information on the public participation process, you may contact the Office of the Public Interest Counsel at (512) 239-6363 or call the Public Education Program, toll free, at (800) 687-4040.

You may also view a copy of the Executive Director's Response to Comments, the complete application, the draft permit, and related documents, including comments, at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Waco-McLennan County Central Library, 1717 Austin Avenue, McLennan County, Texas 76701 and at the Biggs Memorial Library, 305 Rusk Street, Mexia, Texas 76667 and may be viewed online at <https://www.waco-texas.com/landfill-application-process.asp>.

MAILING LIST  
for  
City of Waco  
Permit No. 2400

FOR THE APPLICANT:

Charles Dowdell, Director of Solid Waste  
City of Waco  
501 Schroeder Drive  
Waco, Texas 76710

Ryan R. Kuntz, P.E., Vice President  
SCS Engineers  
1901 Central Drive, Suite 550  
Bedford, Texas 76021

INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR  
via electronic mail:

Ryan Vise, Director  
Texas Commission on Environmental  
Quality  
External Relations Division  
Public Education Program MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087

Heather Haywood, Staff Attorney  
Anthony Tatu, Staff Attorney  
Kayla Murray, Staff Attorney  
Texas Commission on Environmental  
Quality  
Environmental Law Division MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087

Eric Clegg, P.G., Technical Staff  
Texas Commission on Environmental  
Quality  
Waste Permits Division  
MSW Permits Section MC-124  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL  
via electronic mail:

Vic McWherter, Attorney  
Texas Commission on Environmental  
Quality  
Public Interest Counsel MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR THE CHIEF CLERK  
via electronic mail:

Laurie Gharis, Chief Clerk  
Texas Commission on Environmental  
Quality  
Office of Chief Clerk MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

ABELLA , SEBASTIAN  
MCELROY SULLIVAN MILLER WEBER LLP  
STE 200  
4330 GAINES RANCH LOOP  
AUSTIN TX 78735-6733

AINSWORTH , GARY  
8803 WOODWAY DR  
WOODWAY TX 76712-3634

ALEXANDER , SHANNA M  
5916 LAKE FELTON PKWY  
MART TX 76664-5294

ALLEN , REBECCA WILLIAMS  
1609 BROOKSTONE DR  
MESQUITE TX 75181-1757

ALLGOOD , MRS MELISSA RENA  
139 E SELEY  
AXTELL TX 76624-1237

AMY , STEPHANIE MARIE  
PO BOX 452  
AXTELL TX 76624-0452

ANDERSON , ALICIA  
4715 RIDGE DR NE  
SALEM OR 97301-6996

ANDREWS , JANICE GRAVITT  
PO BOX 124  
MOUNT CALM TX 76673-0124

ATHEY , HOLLI  
219 CULLENS LN  
AXTELL TX 76624-1371

ATHEY , MS NATASHA  
418 HAPPY SWANER LN  
AXTELL TX 76624-1399

AZIZ , MRS BABETTA  
438 SUTHERLAND RD  
AXTELL TX 76624-1341

AZIZ , BABETTA  
PO BOX 397  
AXTELL TX 76624-0397

BAGBY , MRS TINA  
585 HERITAGE PKWY  
AXTELL TX 76624-1107

BAILEY , ANNETTE  
521 N SEELEY AVE W  
MOUNT CALM TX 76673-3074

BAKER , ANGIE  
1337 HAPPY SWANER LN  
AXTELL TX 76624-2100

BANIK , JUDITH M  
AXTELL AGAINST THE LANDFILL  
10  
619 N VICHA RD  
AXTELL TX 76624-1331

BANTA , JOHN PAUL  
2860 HAPPY SWANER LN  
AXTELL TX 76624-2122

BARCLAY , DAVID  
11280 E HIGHWAY 84  
AXTELL TX 76624-1433

BARCLAY , VICTORIA  
11280 E HIGHWAY 84  
AXTELL TX 76624-1433

BARTON , AMANDA  
PO BOX 55  
WACO TX 76703-0055

BARTON , RANDY  
7424 FM 339 N  
MOUNT CALM TX 76673-3515

BAUGH , MRS CHRYSTI  
4396 T K PKWY  
AXTELL TX 76624-1347

BAYLE , RYAN  
LUMINANT GENERATION COMPANY LLC  
6555 SIERRA DR  
IRVING TX 75039-2479

BAYS , ELIZABETH & JOE  
1400 W SOMERS LN  
AXTELL TX 76624-1177

BAYS , HONEY  
2028 LONGHORN PKWY  
AXTELL TX 76624-1470

BEERS , PAULA K  
PO BOX 215  
HUBBARD TX 76648-0215

BENNETT , MRS JENNIFER  
1238 KIRKLAND HILL RD  
AXTELL TX 76624-1197

BENNETT , JEREMY  
1070 LCR 114  
AXTELL TX 76624-1439

BORDOVSKY , WENDEL  
PO BOX 23829  
WACO TX 76702-3829

BOWDOIN , BECKY  
1492 HURST RD  
AXTELL TX 76624-1310

BOYETT , ALTON M  
7664 E HIGHWAY 84  
WACO TX 76705-4954

BOYETT , CYNTHIA ANN  
7664 E HIGHWAY 84  
WACO TX 76705-4954

BRANNEN , DR. JULIE MICHELLE  
HIDDEN BRANCH STABLES  
595 HURST RD  
AXTELL TX 76624-1307

BROCK , CHERI & DOYLE  
293 LONGHORN PKWY  
AXTELL TX 76624-1212

BROCK , DOYLE  
293 LONGHORN PKWY  
AXTELL TX 76624-1212

BROWN , LINDA KAY  
1670 HURST RD  
AXTELL TX 76624-1311

CALDWELL , CANDICE  
274 SUTHERLAND RD  
AXTELL TX 76624-1455

CAMPBELL , JACK  
519 BEAVER LAKE RD  
WACO TX 76705-4966

COGGIN , MARY RUTH  
532 LCR 112  
AXTELL TX 76624-1449

CONDIET , TIM  
210 W DAVIS ST  
MESQUITE TX 75149-4600

COOLEY , MR JAMES VERNON  
1556 LCR 120  
MOUNT CALM TX 76673-3590

CORTEZ , JESSICA  
11832 E HIGHWAY 84  
AXTELL TX 76624-1603

CORYELL , BEVERLY  
3334 HAPPY SWANER LN  
AXTELL TX 76624-2108

COVEY , MELLISSA  
9251 COUNTY LINE RD S  
MOUNT CALM TX 76673-3239

COVEY , ROBERT  
9251 COUNTY LINE RD S  
MOUNT CALM TX 76673-3239

DEES , KRYSTAL  
430 CULLENS LN  
AXTELL TX 76624-1441

DICKSON , LORI M  
2162 OLD LORENA RD  
WOODWAY TX 76712-4046

DIETIKER , DIANE  
PO BOX 316  
AXTELL TX 76624-0316

DIVINS , LILIAN  
720 N ALLYN AVE E  
MOUNT CALM TX 76673-3037

DOMINGUEZ , RITA  
952 LCR 310  
MART TX 76664-5204

DOUGHTY , LISA  
11635 IDLEBROOK DR  
HOUSTON TX 77070-2810

DULOCK , SHERRY  
229 WILDBIRD LN  
AXTELL TX 76624-1230

DUNCAN , RICHARD  
PO BOX 1023  
GROESBECK TX 76642-1023

DUNLAP , CYNTHIA  
211 STATE HIGHWAY 31  
MOUNT CALM TX 76673-3163

DUNLAP , JOE WILBURN  
211 STATE HIGHWAY 31  
MOUNT CALM TX 76673-3163

EASTERLING , MELISSA ANN  
163 LCR 468  
MEXIA TX 76667-2679

ENGLEDOW , MISS KAYLEE  
PIERCE & PIERCE BUILDERS INC  
9151 COUNTY LINE RD S  
MOUNT CALM TX 76673-3245

EVANS , MRS PATRICIA  
371 LEON DR  
WACO TX 76705-4941

FIELDS , JON  
235 E SELEY  
AXTELL TX 76624-1235

FOOTE , BRIDGET  
4081 E OLD AXTELL RD  
AXTELL TX 76624-1218

FORD , ALEC & LAUREN  
1365 BAYS RD  
AXTELL TX 76624-1100

FORD , BRIAN PAUL  
SOUTHERN CROSS WHITETAIL RANCH  
4855 T K PARKWAY  
AXTELL TX 76624

FORD , BRIAN PAUL  
SOUTHERN CROSS WHITETAIL RANCH  
1365 BAYS RD  
AXTELL TX 76624-1100

FORD , GINA & RYAN  
1365 BAYS RD  
AXTELL TX 76624-1100

FORD , GINA  
4855 T K PARKWAY  
AXTELL TX 76624

FORD , GINA  
1365 BAYS RD  
AXTELL TX 76624-1100

FOSTER , MRS LISA  
679 T K PKWY  
AXTELL TX 76624-1324

FOSTER , TERRY WAYNE  
679 T K PKWY  
AXTELL TX 76624-1324

FRANKLIN , KATHLEEN  
367 HCR 3363  
MOUNT CALM TX 76673-3177

FRANKUM , MR BRIAN KEITH  
PO BOX 85  
AXTELL TX 76624-0085

FRANKUM , MR CHANCE ALAN  
HEB  
PO BOX 85  
AXTELL TX 76624-0085

FRANKUM , SUSAN  
PO BOX 85  
AXTELL TX 76624-0085

FRANKUM , MRS SUSAN ELAINE  
AXTELL ISD  
308 OTTAWA  
AXTELL TX 76624-1453

FRAZIER , JOHN  
1300 JACKRABBIT RD  
AXTELL TX 76624-1513

FRIEDMAN , ADAM M  
MCELROY SULLIVAN MILLER & WEBER LLP  
PO BOX 12127  
AUSTIN TX 78711-2127

FRIEDMAN , ADAM M  
MCELROY SULLIVAN MILLER & WEBER LLP  
STE 200  
1201 SPYGLASS DR  
AUSTIN TX 78746-6925

FRILLOU , MRS LACRETIA MARIE  
337 OAK ST  
AXTELL TX 76624-1478

FULBRIGHT , DEBBIE  
11902 E HIGHWAY 84  
AXTELL TX 76624-1508

GEBHARDT , ELEANOR  
3334 HAPPY SWANER LN  
AXTELL TX 76624-2108

GEBHARDT , GWENDALYN  
3334 HAPPY SWANER LN  
AXTELL TX 76624-2108

GEBHARDT , SIMON  
3334 HAPPY SWANER LN  
AXTELL TX 76624-2108

GILLETTE , DEBBIE  
WEDGWOOD BAPTIST CHURCH  
5601 WALLA AVE  
FORT WORTH TX 76133-2513

GILLETTE , MR MATT  
5821 TRAIL LAKE DR  
FORT WORTH TX 76133-2734

GILLETTE JR , SGT SHERWOOD MERRILL  
5601 WALLA AVE  
FORT WORTH TX 76133-2513

GOGOLA , ANTHONY  
APT 222  
1225 S PECAN ST  
ARLINGTON TX 76010-2539

GORGAN , ALIN & JOYCE  
768 S PLEASANT HILL RD  
AXTELL TX 76624-1256

GRAHAM , DENISE  
718 N SEELEY AVE W  
MOUNT CALM TX 76673-3085

GRAHAM , SHIRLEY  
1883 BAYS RD  
AXTELL TX 76624-1103

GREEN , ANGELA  
462 BEAVER LN  
WACO TX 76705-4901

GRIFFIN , RODGER D  
598 SOMMERFELD DR  
WACO TX 76705-5584



GRILL , NICHOLAS D  
23 TROUT LN  
FREEPORT TX 77541-7914

GUEST , MAJ THOMAS LOUIS  
GUEST LAND AND CATTLE COMPANY  
318 WILDBIRD LN  
AXTELL TX 76624-1215

HAND , BRIAN  
10185 ELK RD  
AXTELL TX 76624-1552

HAND , DAWN  
10185 ELK RD  
AXTELL TX 76624-1552

HAND , JORDAN  
10185 ELK RD  
AXTELL TX 76624-1552

HAND , NORMA JEAN  
1475 S VICHA RD  
AXTELL TX 76624-1555

HARRIS , JUSTIN  
363 HOMER YOUNG LN  
AXTELL TX 76624-1306

HARRIS , MRS MARY  
882 LCR 116  
MOUNT CALM TX 76673-3546

HARRIS , PHILLIP KIRK  
363 HOMER YOUNG LN  
AXTELL TX 76624-1306

HAWKINS , SHANE H  
1202 LCR 102  
MOUNT CALM TX 76673-3600

HAWKINS , TRINA  
1202 LCR 102  
MOUNT CALM TX 76673-3600

HAYNES , TRISHA  
163 HCR 3255  
MOUNT CALM TX 76673-3181

HAYNES , VICKIE  
6969 HIGHWAY 84 W  
COOLIDGE TX 76635-3115

HEBBE , MR ZACHARY TYLER  
886 FM 339  
MOUNT CALM TX 76673-3129

HOGAN , JENNY  
1154 HURST RD  
AXTELL TX 76624-1364

HOGAN , KELLY  
1727 LCR 124  
MOUNT CALM TX 76673-3559

HOGAN , NICOLE  
2935 HIGHWAY 31  
AXTELL TX 76624-1623

HOLLINGSWORTH , BAYLEE  
6642 OLD MEXIA RD  
WACO TX 76705-4932

HOLLINGSWORTH , LACY WITT  
1303 RETREAT CENTER RD  
AXTELL TX 76624-1644

HOLLINGSWORTH , LYNETTE  
PO BOX 36  
AXTELL TX 76624-0036

HONEY , TAMMY  
212 CALVERY ST  
WACO TX 76705-3475

HORN , ROBBIE  
706 HOMER YOUNG LN  
AXTELL TX 76624-1376

HORN , VICKI  
706 HOMER YOUNG LN  
AXTELL TX 76624-1376

HOWARD , STACY  
PO BOX 186  
AXTELL TX 76624-0186

HROMADKA , MRS JENNIFER  
900 W SOMERS LN  
AXTELL TX 76624-1171

HURST , DAVID HARRIS  
1104 HURST RD  
AXTELL TX 76624-1364

HURST , MRS HELEN JO  
1104 HURST RD  
AXTELL TX 76624-1364

ICE , LAUREN  
PERALES ALLMON & ICE PC  
1206 SAN ANTONIO ST  
AUSTIN TX 78701-1834

IVY , HEATH  
1665 W SOMERS LN  
AXTELL TX 76624-1645

JENKINS , MRS TRISHA  
572 W JORDAN AVE  
CLOVIS CA 93611-7161

JIMENEZ , JOE  
LLOYD GOSSELINK ROCHELLE & TOWNSEND PC  
STE 1900  
816 CONGRESS AVE  
AUSTIN TX 78701-2442

JOHNSON , COLE  
215 N 3RD ST  
TEMPLE TX 76501-3140

JOHNSON , DUSTIN & KASSIDI  
1498 W SOMERS LN  
AXTELL TX 76624-1177

JOHNSON , KASSIDI  
1498 W SOMERS LN  
AXTELL TX 76624-1177

JOHNSON , STARLA  
1017 WOODCOCK DR  
ROBINSON TX 76706-5434

JOHNSON , SUZANNE C  
202 N 2ND ST E  
MOUNT CALM TX 76673-3094

KACAL , THE HONORABLE KYLE STATE  
REPRESENTATIVE  
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 12  
PO BOX 2910  
AUSTIN TX 78768-2910

KALTENBACH , PATRICK  
4396 T K PKWY  
AXTELL TX 76624-1347

KING , CHERYL  
510 E FARRAR ST  
GROESBECK TX 76642-1516

KIPHEN , LISA  
1145 COUNTY ROAD 130  
GATESVILLE TX 76528-3833

KIRKLAND , WILLIAM L  
PO BOX 565  
BELTON TX 76513-0565

KLANIKA , CHARLES  
176 HCR 3259  
MOUNT CALM TX 76673-3174

KLANIKA , TINA  
176 HCR 3259  
MOUNT CALM TX 76673-3174

KLINE , MR TRACY  
2589 KIRKLAND HILL RD  
AXTELL TX 76624-1688

KOEN , VICKI  
1857 PAVELKA DR  
WACO TX 76705-5072

KOLOSCHI , REBECCA  
3936 LAKE FELTON PKWY  
WACO TX 76705-5026

KRICK , ANGIE  
602 NE 7TH ST  
HUBBARD TX 76648-2213

KRUPICKA , MRS KELLY M  
268 N LAKE ST  
AXTELL TX 76624-1318

LAIRD , REBEKAH  
415 KAYE ST  
COPPELL TX 75019-3911

LASETER , SHELBY  
247 WOOD ST  
AXTELL TX 76624-1624

LEE , MIKE  
4855 T K PARKWAY  
AXTELL TX 76624

LEE , MIKE  
3096 HAPPY SWANER LN  
AXTELL TX 76624-2123

LEHR , DR. LARRY L  
MCLENNAN AND HILL COUNTIES TEHUACANA CR  
3728 CHIMNEY RIDGE DR  
WACO TX 76708-2368

LEMONS , ROBIN  
489 LCR 110  
MOUNT CALM TX 76673-3544

LEMONS , MRS ROBIN TAPP  
NO I  
489 LCR 110  
MOUNT CALM TX 76673-3544

LENOIR , DENA  
4121 LEROY PKWY  
ELM MOTT TX 76640-3595

LITTLE , STACEY  
740 HCR 3373  
HUBBARD TX 76648-2541

LUCIEN , MRS KIMBERLY  
PO BOX 221  
LEROY TX 76654-0221

LYNCH , MRS KATY  
1789 LCR 120  
MOUNT CALM TX 76673-3002

MACK , JOY  
2826 QUARTER HORSE LN  
CELINA TX 75009-4616

MANN , MARY  
518 RED GATE RD  
MART TX 76664-5142

MANNING , CHRISTI  
1652 HURST RD  
AXTELL TX 76624-1311

MARKUM , BUSTER  
1064 N. VICHA  
PO BOX 304  
AXTELL TX 76624-0304

MARKUM , MICHELLE LEIGH  
PO BOX 103  
AXTELL TX 76624-0103

MARS , JERRY  
1828 LCR 124  
MOUNT CALM TX 76673-3558

MARTINEZ , SUSAN  
9772 ELK RD  
AXTELL TX 76624-1545

MCCAGHREN , RITA ANN  
619 N SEELEY AVE W  
MOUNT CALM TX 76673-3009

MCCANN , ALICE  
1950  
2214 WHATLEY DR  
DEER PARK TX 77536-5726

MCFADDEN , MRS SHIRLEY  
PO BOX 454  
AXTELL TX 76624-0454

MC GEE , DEBRA L  
PO BOX 413  
AXTELL TX 76624-0413

MCMILLAN , JANET BURKE  
23 JONES VIEW DR  
HUNTSVILLE TX 77320-1543

MCMILLAN , JANET BURKE  
6725 HIGHWAY 84 W  
COOLIDGE TX 76635-3071

MEIER , PATTIE M  
211 COVENTRY DR  
HEWITT TX 76643-4212

MILNER , CYNTHIA D  
459 FRAZIER LN  
AXTELL TX 76624-1657

MINCHEW , MRS JULIE  
308 S LEAGUE RANCH RD  
WACO TX 76705-4919

MINIX , JOY ELISE  
VINTAGE OAKS RANCH CATERING  
2712 HAPPY SWANER LN  
AXTELL TX 76624-1305

MOHLKE , JEREMY LEE  
1092 RILEY RD  
AXTELL TX 76624-1321

MONTGOMERY , ERIC  
279 N 7TH ST  
AXTELL TX 76624-1442

MOORE , PATRICIA  
450 BEAVER LN  
WACO TX 76705-4901

MORAVEC , CAROL  
10778 E HIGHWAY 84  
AXTELL TX 76624-1427

MORAVEC , DANIEL J  
10778 E HIGHWAY 84  
AXTELL TX 76624-1427

MOSELEY , JULIE R  
993 COMPTON RD  
CRAWFORD TX 76638-2604

MUHL-ANDERSON , MRS BOBBIE J  
1800 COUNTY ROAD 436  
DIME BOX TX 77853-5256

MURREY , WILLARD  
2134 LCR 124  
MOUNT CALM TX 76673-3610

NICHOLS , AMBER & MATT  
PO BOX 88  
AXTELL TX 76624-0088

NICHOLS , AMBER R  
VINTAGE OAKS RANCH  
PO BOX 88  
AXTELL TX 76624-0088

NICHOLS , MATT  
PO BOX 88  
AXTELL TX 76624-0088

NICKEL , CANDACE  
PO BOX 435  
AXTELL TX 76624-0435

NIVIN , CATHRYNE  
964 LCR 120  
MOUNT CALM TX 76673-3592

NIVIN , MR ERNEST TAYLOR  
964 LCR 120  
MOUNT CALM TX 76673-3592

OMBERG , SHERRY  
129 LEMLEY LN  
WACO TX 76705-4920

OWENS , JANA  
500 N EMERSON ST  
MART TX 76664-1243

PARKER , JOE  
266 EASY ACRES RD  
WACO TX 76705-4910

PARKS , KAREN  
PO BOX 455  
AXTELL TX 76624-0455

PARKS , RONNIE D  
373 S PLEASANT HILL RD  
AXTELL TX 76624-1227

PAVELKA , KATHEY D  
1034 RUDY RD  
AXTELL TX 76624-1322

PERALES , MARISA ATTORNEY  
PERALES ALLMON & ICE PC  
1206 SAN ANTONIO ST  
AUSTIN TX 78701-1834

PIERCE , JANA  
900 W SOMERS LN  
AXTELL TX 76624-1171

PIERCE , MR RICKY  
PIERCE & PIERCE BUILDERS INC  
9151 COUNTY LINE RD S  
MOUNT CALM TX 76673-3245

PIERCE , MRS VICKI MICHELLE  
9151 COUNTY LINE RD S  
MOUNT CALM TX 76673-3245

PITTMAN , BRENDA  
PO BOX 177  
AXTELL TX 76624-0177

PORTER , DARREN  
1500 LCR 102  
MOUNT CALM TX 76673-3625

PORTER , MELISSA  
1500 LCR 102  
MOUNT CALM TX 76673-3625

PRICE , JOHN H  
102 N MORGAN ST W  
MOUNT CALM TX 76673-3020

PRICE , RANDI  
102 N MORGAN ST W  
MOUNT CALM TX 76673-3020

PROCTOR , J R  
1351 W DENTON RD  
AXTELL TX 76624-1139

PROCTOR , LARRY  
1351 W DENTON RD  
AXTELL TX 76624-1139

PYBURN , SHELLY & STUART  
970 LCR 114  
AXTELL TX 76624-1378

PYBURN , STUART THOMAS  
1465 DEER FOREST DR  
PIPE CREEK TX 78063-2108

QUEEN , NANCY  
PO BOX 105  
AXTELL TX 76624-0105

RADDE , ANGELA  
387 WILDCAT CREEK RD  
AXTELL TX 76624-1345

RADER , MRS KATHY  
13364 E HIGHWAY 84  
AXTELL TX 76624-1608

RATLIFF , DARLA  
168 WATER TOWER RD  
AXTELL TX 76624-1165

RAY , VICKIE  
141 LEON DR  
WACO TX 76705-4938

REED , ARNOLD  
164 KIMBELL RD  
AXTELL TX 76624-1317

REED , DAVID L  
3444 T K PKWY  
AXTELL TX 76624-1328

REED JR , DAVID L  
PO BOX 1922  
CANYON LAKE TX 78133-0022

REED , DAVID & JANET  
3444 T K PKWY  
AXTELL TX 76624-1328

REED , DIXIE L  
239 LCR 114  
AXTELL TX 76624-1333

REED , JANET  
3444 T K PKWY  
AXTELL TX 76624-1328

REYES , MRS RACHEL MARTIN  
12008 E HIGHWAY 84  
AXTELL TX 76624-1616

RIEHL , KIT & SARAH  
1063 HERITAGE PKWY  
AXTELL TX 76624-1164

RIGBY , MRS ELISABETH  
4418 T K PKWY  
AXTELL TX 76624-1353

RIGBY , KATHLEEN J  
1533 BROOKSIDE DR  
MANTECA CA 95336-8512

RIGBY , MR STEVEN  
4418 T K PKWY  
AXTELL TX 76624-1353

RIVETTE , CHARLES  
322 TEAL LN  
SUGAR LAND TX 77478-4717

RODGERS , TOMMY  
2038 HAPPY SWANER LN  
AXTELL TX 76624

RODGERS , TOMMY M  
PO BOX 93  
AXTELL TX 76624-0093

ROGERS , TAMY  
4919 GARDEN GROVE RD  
GRAND PRAIRIE TX 75052-4445

ROLLER , ERMA L  
1212 KANE ST  
BELLMEAD TX 76705-2552

ROOF , STACY L  
370 W OLD AXTELL RD  
WACO TX 76705-4926

ROWE , RACHEL  
112 S SMYTH ST  
MART TX 76664-1438

ROYAL , ERIK  
851 LCR 120  
MOUNT CALM TX 76673-3555

SAEGERT , RHIANNON  
900 FRANKLIN AVE  
WACO TX 76701-1906

SANCHEZ , JENNIFER  
1215 LCR 114  
AXTELL TX 76624-1460

SAUCEDO , KAREN  
11964 E HIGHWAY 84  
AXTELL TX 76624-1508

SCHNELL , COURTNEY  
2208 JESTER LN  
FLOWER MOUND TX 75028-3579

SCHOLTE , NELDA  
11448 E HIGHWAY 84  
AXTELL TX 76624-1403

SCHULTE , JILL  
1968  
3917 COLCORD AVE  
WACO TX 76707-1627

SCHWERTNER , THE HONORABLE CHARLES  
STATE SENATOR  
THE SENATE OF TEXAS DISTRICT 5  
PO BOX 12068  
AUSTIN TX 78711-2068

SERROS III , DR. ALCARIO  
933 FRAZIER LN  
AXTELL TX 76624-1658

SERROS , MRS GINA  
933 FRAZIER LN  
AXTELL TX 76624-1658

SHANNON , JOYCE M  
6300 SHOREWOOD DR  
ARLINGTON TX 76016-2653

SHANNON , JOYCE M  
6116 OLD MEXIA RD  
WACO TX 76705-4932

SHURETTE , STEVEN  
797  
11292 LEISURE RD  
BRENHAM TX 77833-8887

SISEMORE , DAVE  
633 HERITAGE PKWY  
AXTELL TX 76624-1108

SKINNER , JOELLEN  
PO BOX 184  
AXTELL TX 76624-0184

SOUDERS , LESLIE GAIL  
518 N SEELEY AVE W  
MOUNT CALM TX 76673-3073

STANFIELD , ASHLEY  
STE 101  
200 W STATE ST  
GROESBECK TX 76642-1700

STANLEY , KELDA  
1233 LONGHORN PKWY  
AXTELL TX 76624-1414

STEFFEK , MS JULIANNA L  
4351 T K PKWY  
AXTELL TX 76624-1461

STEFKA , DAVID  
PO BOX 43  
AXTELL TX 76624-0043

STEPHENS , MRS SUNNY  
261 E SELEY  
AXTELL TX 76624-1235

STOKES , MR BENJAMIN LUKE  
1553 FRAZIER LN  
AXTELL TX 76624-1662

STOKES , MRS MELANIE  
1553 FRAZIER LN  
AXTELL TX 76624-1662

STONE , CURTIS  
322 N PLEASANT HILL RD  
AXTELL TX 76624-1483

STONE , ROBERT R  
2013 HIGHWAY 31  
AXTELL TX 76624-1520

STOUT , JOHNNY  
3334 HAPPY SWANER LN  
AXTELL TX 76624-2108

STOUT , MARGARET  
3334 HAPPY SWANER LN  
AXTELL TX 76624-2108

STOUT , VICTORIA  
3334 HAPPY SWANER LN  
AXTELL TX 76624-2108

STRANACHER , DANETTE  
3007 HIGHWAY 31  
AXTELL TX 76624-1209

STRANACHER , DESIRAE  
964 KIRKLAND HILL RD  
AXTELL TX 76624-1195

STRANACHER , MICHAEL  
964 KIRKLAND HILL RD  
AXTELL TX 76624-1195

STRANGE , MATT B  
2981 HIGHWAY 31  
AXTELL TX 76624-1623

STROCK , SHANA  
604 OLD SAWMILL RD  
AXTELL TX 76624-1565

SUGGS , KATHLEEN A  
526 HAPPY SWANER LN  
AXTELL TX 76624-2102

SUMNER , LYNN & STEVE  
1464 W DENTON RD  
AXTELL TX 76624-1132

SUTTON , JENNIFER  
247 N LAKE ST  
AXTELL TX 76624-1318

SWANER , FRED L  
4351 T K PKWY  
AXTELL TX 76624-1461

SWANER , SUSAN  
4351 T K PKWY  
AXTELL TX 76624-1461

SYKORA , JAYNI  
4025 WINDSOR AVE  
WACO TX 76708-3073

TENNISON , KEVEN  
4081 E OLD AXTELL RD  
AXTELL TX 76624-1218

TIERCE , SHARON KAY  
156 CULLENS LN  
AXTELL TX 76624-1372

TIERCE , VIRGINIA  
376 WOOD ST  
AXTELL TX 76624-1232

TRAMMELL , SHANNON  
788 FM 339  
MOUNT CALM TX 76673-3130

TRAYLER , JAMES  
20 WALKERS XING  
WACO TX 76705-4006

TROUT , BRENDA P  
2003 BRIDGEHAMPTON PL  
BRANDON FL 33511-2309

TUCKER , CHRIS  
1088 LCR 114  
AXTELL TX 76624-1439

TUCKER , CHRIS SHAWN  
970 W SOMERS LN  
AXTELL TX 76624-1171

TUCKER , GLENDA & KEN  
1116 LCR 114  
AXTELL TX 76624-1459

TUCKER , JENNIFER KAY  
1755 LCR 120  
MOUNT CALM TX 76673-3002

TUCKER , JIMMY  
304 N 5TH ST W  
MOUNT CALM TX 76673-3096

TUCKER , KEN  
1116 LCR 114  
AXTELL TX 76624-1459

TULL , NICOLE  
PO BOX 407  
AXTELL TX 76624-0407

VICHA , JOHN  
400 N VICHA RD  
AXTELL TX 76624-2125

VICHA , MRS LESLIE  
1119 RUDY RD  
AXTELL TX 76624-1322

WEATHERBY , MR BRENT  
602 HCR 3373  
HUBBARD TX 76648-2838

WEDDINGTON , CHRISTINE  
1589 LCR 106  
MOUNT CALM TX 76673-3573

WEGWERTH , RICK  
1867 SOMMERFELD DR  
WACO TX 76705-5051

WHITAKER , WILLIAM  
304 GLENVIEW CIR  
WOODWAY TX 76712-3141

WHITE , MS RANDELLE  
PO BOX 367  
AXTELL TX 76624-0367

WHITLEY , MRS KAREN  
PO BOX 375  
AXTELL TX 76624-0375

WHITLEY , MS KAY  
PO BOX 375  
AXTELL TX 76624-0375

WHITLEY , MARY JO  
1304 E ELM ST  
HILLSBORO TX 76645-2646

WILLIAMS , BEN  
2920 T K PKWY  
AXTELL TX 76624-1467

WILLIAMS , MARJORIE  
6116 OLD MEXIA RD  
WACO TX 76705-4932

WILLIAMS , TRACY  
462 LCR 118  
MOUNT CALM TX 76673-3284

WILLIAMS , TRISHA  
2920 T K PKWY  
AXTELL TX 76624-1467

WILLIS JR , KENNY  
3730 OLD MEXIA RD  
WACO TX 76705-4950

WILSON , DONIS LEE  
1216 MIDDLETON RD  
MART TX 76664-5133

WILSON , LOGAN & MARY ANN  
638 LCR 463  
MEXIA TX 76667-2651

WILSON , MARY  
1216 MIDDLETON RD  
MART TX 76664-5133

WRIGHT , BETH  
3939 WILLOWVIEW DR  
PASADENA TX 77504-3041

YOUNG , ROBERT  
1990 T K PKWY  
AXTELL TX 76624-1352

ZABOROWSKI , MR CARY  
1259 N VICHA RD  
AXTELL TX 76624-2118

ZACHARIAS , ARLENE & EDWARD F  
817 LCR 120  
MOUNT CALM TX 76673-3555

## TCEQ MUNICIPAL SOLID WASTE PERMIT NO. 2400

APPLICATION BY  
THE CITY OF WACO  
FOR MSW PERMIT NO. 2400

§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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### EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

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The Executive Director of the Texas Commission on Environmental Quality (the Commission or the TCEQ) files this Response to Public Comment on the application by The City of Waco (the City or Applicant) for Municipal Solid Waste (MSW) Permit No. 2400 to authorize the construction of a new MSW landfill facility. Before an application is approved, Title 30 Texas Administrative Code (30 TAC) Section (§) 55.156 requires that the Executive Director prepare a response to all timely, relevant and material, or significant comments received.

This response addresses all timely public comments received, whether or not withdrawn.

#### I. Public Comments Received

The Office of Chief Clerk received timely comments from the individuals listed in Attachment 1. Additionally, State Senator Charles Schwertner and Representative Kyle Kacal requested that TCEQ hold a public meeting. Two public meetings were held and the individuals that provided formal oral comments at the Public Meetings are noted in Attachment 3. To determine which commenter made a particular comment, please see Attachments 1 through 36.

This application is subject to the requirements in Senate Bill (SB) 709, effective September 1, 2015. SB 709 amended the requirements for comments and contested case hearings. One of the changes required by SB 709 is that the Commission may not find that a "hearing requestor is an affected person unless the hearing requestor timely submitted comments on the permit application." Texas Water Code (TWC) § 5.115(a-1)(2)(B).

#### II. BACKGROUND

##### *A. Facility Description*

The proposed facility is a new Type I MSW landfill located approximately 0.4 miles south of the intersection of TK Parkway and State Highway 31 in McLennan and Limestone Counties.

##### *B. Application Description*

The application, if granted, would include 502.5 acres within the proposed permit boundary, and approximately 173.8 acres would be used for waste disposal. The maximum elevation of the final cover system would be 697.7 feet above mean sea level. The proposed facility under MSW Permit No. 2400 would have a total volume, including waste and cover, of approximately 25 million cubic yards.

The Executive Director has prepared a draft permit that would authorize the owner or operator of the facility to dispose of household waste, yard waste, commercial waste,



construction/demolition waste, special waste, Class 2 non-hazardous industrial wastes, and Class 3 non-hazardous industrial wastes which include rock, brick, glass, dirt, certain plastics and rubber, and other waste as approved by the Executive Director. The permittee would be prohibited from accepting or knowingly disposing of any other waste not identified above. Authorized wastes would be accepted at an average rate of approximately 1,070 yards per day, however the rate would vary over the life of the site, with an estimated maximum of 1,590 yards per day. These approximate acceptance rates are not limiting parameters of the draft permit.

### ***C. Procedural Background***

The TCEQ received this application on August 8, 2018, and declared it administratively complete on September 14, 2018. The Notice of Receipt of Application and Intent to Obtain a Municipal Solid Waste Permit (first public notice) was published in English and Spanish on September 26, 2018, in the *Waco Tribune-Herald* in McLennan, County, Texas and in English and Spanish on September 26, 2018, in *Mexia News* in Limestone County, Texas. The Notice of Receipt of Application and Intent to Obtain a Municipal Solid Waste Permit (second public notice) was published in English and Spanish on July 11, 2020, in the *Waco Tribune-Herald* in McLennan, County, Texas, in English and Spanish on July 11, 2020, in *Mexia News* in Limestone County, Texas, and in English and Spanish on July 16, 2020, in *Groesbeck Journal* in Limestone County, Texas.

The TCEQ held a public meeting on the application on Thursday, August 15, 2019, at 7:00 p.m. at the Axtell High School Gymnasium in Axtell, Texas. Notice of the public meeting was published in English on July 24, July 31, and August 7, 2019, in *Mexia News* in Limestone County, Texas, and in English on July 24, July 31, and August 7, 2019, in the *Waco Tribune-Herald* in McLennan County, Texas.

The Executive Director completed the technical review of the application on October 18, 2021 and prepared a draft permit. The Notice of Application and Preliminary Decision was published in English and Spanish on October 27, 2021, in *Waco Tribune-Herald* in McLennan County, Texas, in English and Spanish on October 27, 2021, in *Mexia News* in Limestone County, Texas, and in English and Spanish on October 28, 2021, in *Groesbeck Journal* in Limestone County, Texas.

The Executive Director held a second public meeting on the application on Thursday, September 23, 2021, at 7:00 p.m. virtually through webinar. Notice of the public meeting was published in English and Spanish on September 1, September 8, and September 15, 2021, in the *Mexia News* in Limestone County, Texas, in English and Spanish on September 2, September 9, and September 16, 2021, in *Groesbeck Journal* in Limestone County, Texas, and in English and Spanish on September 1, September 8, and September 15, 2021, in the *Waco Tribune-Herald* in McLennan County, Texas.

Because this application was received after September 1, 2015, it is subject to the procedural requirements of and rules implementing Senate Bill 709 (84th Legislature, 2015).

### III. Access to Rules, Laws, and Information

The following webpages provide access to state and federal rules and regulations:

- The Texas Secretary of State webpage is [sos.state.tx.us](http://sos.state.tx.us).
- TCEQ rules in Title 30 of the Texas Administrative Code are available at [sos.state.tx.us/tac/](http://sos.state.tx.us/tac/) by selecting “View the current Texas Administrative Code” on the right, and then selecting “Title 30 Environmental Quality.”
- Texas statutes are available at [statutes.capitol.texas.gov](http://statutes.capitol.texas.gov).
- Federal rules in Title 40 of the Code of Federal Regulations are available at the EPA’s public webpage at [epa.gov/laws-regulations/regulations](http://epa.gov/laws-regulations/regulations).
- Federal environmental laws are available at the EPA’s public webpage at [epa.gov/laws-regulations/laws-and-executive-orders](http://epa.gov/laws-regulations/laws-and-executive-orders).
- General information about TCEQ can be found at the Commission’s public webpage at [tceq.texas.gov](http://tceq.texas.gov).
- General information about TCEQ and information about the municipal solid waste permitting process is available at the Commission’s public webpage at [tceq.texas.gov](http://tceq.texas.gov).
- Information about the municipal solid waste permitting process is available from the TCEQ Public Education Program at 1-800-687-4040.
- If you would like to receive a hard copy of this RTC, please contact the Office of the Chief Clerk at 512-239-3300.

### IV. Comments and Responses

#### A. Human Health and the Environment

##### Comment 1: General Opposition; General Health and Environmental Concerns

The Executive Director received many comments generally objecting to the proposed landfill facility. Several commenters requested that the TCEQ reject the permit application for the facility. Several commenters expressed concern that the facility would expose members of the surrounding community to contaminants and cause adverse health and environmental effects. Several commented that the facility would generally have a negative impact on the environment. Many commenters also raised a concern that the landfill would otherwise detract from the quality of life of residents in the surrounding area.

Robert Stone, Darren Porter, and Starla Johnson asked whether an environmental impact study (EIS) had been conducted at the site.

##### Response 1:

The Texas Solid Waste Disposal Act (TSWDA) in Chapter 361 of the Texas Health and Safety Code (THSC) and 30 TAC Chapter 330 were promulgated to protect human health and the environment. The role of the TCEQ is to ensure that authorized facilities are designed, constructed, and operated according to applicable rules that protect human health and the environment.

In accordance with 30 TAC § 330.407 (relating to Detection Monitoring Program for Type I Landfills) and 30 TAC § 330.409 (relating to Assessment Monitoring Program), an owner or operator of a MSW landfill facility must regularly monitor groundwater during the active life

of the facility, as well as during its closure and the post-closure care period. Generally, the post-closure care period extends 30 years after a facility is closed. (30 TAC § 330.463(b)(1)). Under 30 TAC § 330.371 (relating to Landfill Gas Management), owners or operators of a MSW facility must also regularly monitor landfill gas levels generated at a facility and its boundary and, should gas levels exceed specified limits, provide notice and take necessary response steps to protect human health. These groundwater monitoring and landfill gas management systems are implemented to continually evaluate the performance of the proposed facility for potential impacts to human health and environmental media. As part of their permit application, an applicant for a permit to authorize a MSW facility is required to submit for approval a groundwater sampling and analysis plan and landfill gas management plan to implement these systems. (30 TAC § 330.63).

The technically complete application contains a groundwater sampling and analysis plan and a landfill gas management plan prepared in accordance with the requirements of 30 TAC § 330.63. (Application, Part III, Attachments 7 and 11). These plans included in the application are incorporated by reference into the Final Draft Permit (FDP) No. 2400. (FDP No. 2400, Provision VIII.A. Standard Permit Conditions).

FDP No. 2400 would require the Applicant to implement a groundwater monitoring system to monitor groundwater quality for organic and inorganic constituents and report sample analysis results to the Executive Director in accordance with 30 TAC §§ 330.405 and 330.407. (FDP No.2400, Provision IV.I. Groundwater Monitoring System). FDP No. 2400 would also require the Applicant to implement a landfill gas management system to monitor landfill gas migration at the facility boundary. (FDP No.2400, Provision IV.H. Landfill Gas Management). If the permit is issued to authorize the proposed facility, then the Applicant would be required to continue monitoring groundwater, landfill gas migration, and surface emissions during the active life of the proposed facility and the post-closure care period, as required under 30 TAC § 330.463(b)(1)(C)-(D).

TCEQ rules do not require an EIS, and the Executive Director has not received information of an EIS having been conducted at the proposed site. However, the application and FDP No. 2400 consider the siting, construction, and operating procedures of the proposed facility in accordance with MSW rules to ensure the protection of human health and the environment. (FDP No. 2400, Provision IV. Facility Design, Construction, Operation, and Maintenance).

The Executive Director has reviewed the application and preliminarily determined that the facility, operated according to the permit provisions, the TSWDA, and 30 TAC Chapter 330, would adequately protect human health and the environment and prevent adverse health and environmental impacts.

## **Comment 2: Wildlife and Habitat**

Many commenters raised concerns about the potential impact that the proposed facility would have on threatened or endangered species, fish, and other wildlife nearby. Specifically, several commenters stated that bald eagles and migratory birds have been sighted near the site proposed for the facility. Ken Tucker requested that the Commission consult the Secretary of the Interior before issuing the proposed permit, claiming that permitting the landfill would constitute a potential taking of bald eagles.

Also, Mike Lee, Gina Ford, and Brian Ford commented that Texas Parks and Wildlife had not conducted a study under the Wildlife Habitat Assessment Program to examine the potential negative impact the facility could have on the health of whitetail deer and the local wildlife population.

## **Response 2:**

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. (THSC § 361.011). Accordingly, TCEQ has jurisdiction to consider the impact of a MSW landfill facility on wildlife or wildlife habitat that is protected by state or federal statute. In accordance with 30 TAC § 330.551(a) (relating to Endangered or Threatened Species), "a facility and the operation of a facility shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species, or cause or contribute to the taking of any endangered or threatened species." Under 31 TAC § 65.175, a threatened species is defined as a species that the Texas Parks and Wildlife Department "has determined is likely to become endangered in the future." Accordingly, an applicant for a permit authorizing an MSW facility must submit demonstrations of compliance with the Endangered Species Act and determine whether the facility would be in range of endangered or threatened species. (30 TAC § 330.61(n)(2)). Also, an applicant must provide a biological assessment conducted by a qualified biologist and according to procedures of the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department to determine any effect the facility would have on endangered or threatened species within range of the facility.

The application represents that a qualified biologist with Horizon Environmental Services, Inc. (Horizon) conducted a biological assessment dated February of 2020 at the proposed site for the MSW facility. (Application, Parts I/II, Appendix I/IIG). The biological assessment concludes that the site is not a critical habitat area for any species that is state or federally listed as endangered or threatened. The assessment reflects that, while two species that are state-listed as threatened—the Timber rattlesnake and Texas horned lizard—could occur at or near the site, their occurrence is unlikely. The assessment further reflects that the site is not expected to have adverse impacts to protected, migratory birds. The assessment states that Bald Eagles are not expected to utilize the site and were not observed at or flying over the site during reconnaissance efforts. The assessment acknowledges that, although Bald Eagles may forage around Conservation Service Site 19 Reservoir, the distance between the reservoir and the proposed landfill facility would minimize impact on their foraging patterns. The biological assessment includes a species management plan for the City of Waco to implement and safeguard any Timber rattlesnakes or Texas horned lizards located at the site before construction. The species management plan also includes measures to avoid disturbing existing nests and to prevent conditions that attract nesting of any migratory birds at the site during land development activities for the facility.

The application includes the appropriate letters of coordination with the United States Fish and Wildlife Service and the Texas Parks and Wildlife Department (TPWD). The TPWD Wildlife Habitat Assessment Program anticipates the facility would have no negative impacts to endangered or threatened species or other fish and wildlife. (Application, Parts I/II, Appendix I/IIA).

The Executive Director has reviewed the application and preliminarily determined that it satisfies the statutory and regulatory requirements concerning protected wildlife and wildlife habitats.

### **Comment 3: Farming and Vegetation**

Several commenters raised general concerns that the proposed facility would have a negative impact on crops, vegetation, and livestock.

### **Response 3:**

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. (THSC § 361.011). Accordingly, the TCEQ has jurisdiction to consider the impact a MSW landfill facility may have on vegetation or wildlife that is protected by state or federal statute. As discussed in Response 1, a MSW facility is required to maintain groundwater monitoring and landfill gas management systems to protect human health and the environment from negative impacts to the surrounding environmental media, such as surface and subsurface soils, air, and groundwater. (30 TAC §§ 330.407, 330.409, and 330.371). Liquids that have come in contact with waste must be disposed of in a manner that will not result in groundwater or surface water pollution. (30 TAC § 330.207(a)). An owner or operator of an MSW facility must construct and operate a leachate collection system and liner system designed to prevent leachate or contaminated water from infiltrating landfill waste and entering groundwater. (30 TAC Chapter 330, Subchapter H). Also, an applicant for a permit authorizing a MSW facility must provide procedures for controlling potential vectors and scavenging animals in a site operation plan as part of their application. (30 TAC § 330.151). Additionally, in accordance with 30 TAC §§ 330.63(b)(1) and 330.131 (relating to Access Control), an applicant must describe in the site operating plan how access would be controlled for a facility, such as the type and location of fences or other suitable means of access control to prevent the entry of livestock.

The application states that no contaminated water would be discharged offsite to surface waters of the state that may be used to water crops and livestock. (Application, Part III, Attachment 12). The application contains a leachate and contaminated water management plan to control and dispose of contaminated water generated during waste management and clean-up operations at the site. (Application, Part III, Attachment 12). Any surface water that has runoff from the working face of the landfill would be treated as contaminated water, appropriately collected and contained within berms at the working face, and either disposed by evaporation or transported offsite for treatment and disposal at an authorized facility. Also, diversion berms would divert surface water run-on, such as stormwater, away from the working face of the landfill and keep clean surface water separate from any contaminated water. The liner system for the landfill's waste disposal cells would act as a barrier underneath the landfill and further protect soil and surface water from contamination in accordance with 30 TAC § 330.331(d).

In the site operating plan, the Applicant provided the required information on procedures for controlling potential vectors and scavenging livestock or other animals at the proposed facility. (Application, Part IV, Section 4.11). Intermediate daily cover would be applied to the working face of the landfill to reduce the occurrence of vectors and scavenging animals.

The application also contains a description of access control measures for the facility. (Application, Part IV, Section 4.1). These measures include a perimeter fence that is six feet high, (eight feet high at locations designated for privacy fencing), and subject to monthly inspection and two entrance gates that would remain closed and locked outside of operating hours for the facility. These measures also reflect that any damage to or breach of the perimeter fence would be reported to the Commission and temporarily repaired within 24 hours of detection and permanently repaired by a timeframe the Commission would specify.

Additionally, the biological assessment referenced in Response 2 reflects that no protected plant species is likely to occur at or near the site of the facility. (Application, Parts I/II, Appendix G).

FDP No. 2400 would require the Applicant to implement these procedures in the application for monitoring groundwater and landfill gas, managing surface water run-on and run-off, collecting leachate, properly disposing of contaminated liquids, and controlling vectors and site access (FDP No. 2400, Provisions IV.C. Liner and Leachate Collection Systems, IV.I. Groundwater Monitoring System, IV.J. Surface Water and Stormwater Management Control, and IV.K. Vector Control). These procedures are incorporated by reference into FDP No. 2400. (FDP No. 2400, Provision VIII.A. Standard Permit Conditions). The systems for monitoring groundwater and landfill gas migration would continually evaluate the performance of the facility for potential impacts to livestock, crops, and vegetation through environmental media.

The Executive Director has reviewed the application and preliminarily determined that it satisfies all applicable requirements regarding vegetation, wildlife, and any domestic or scavenging animals and that construction and operation of the proposed facility, as authorized in the permit, would adequately protect vegetation, crops, wildlife, and livestock in the surrounding area in accordance with 30 TAC Chapter 330.

### ***B. Land, Water, and Air Impact Concerns***

#### **Comment 4: Air Quality and Emissions**

Several commenters raised concerns about the air quality and potential air emissions from the proposed landfill. Nicole Hogan and Trisha Haynes expressed concerns over the negative effects that emissions could have on their health as residents with asthma and breathing concerns who would be residing near the facility.

#### **Response 4:**

In accordance with 30 TAC § 330.245(a) (relating to Ventilation and Air Pollution Control), air emissions from MSW facilities “must not cause or contribute to a condition of air pollution as defined in the Texas Clean Air Act.” All MSW facilities are required to obtain any applicable air authorizations from the TCEQ Air Permits Division before construction begins for a facility, construct required air pollution control devices, implement procedures for ventilation and odor control, and report any event resulting in the emission of unauthorized air contaminants. (30 TAC §§ 101.1(28), 101.201, and 330.245(b),(f), and (j)). Under 30 TAC § 330.371 (relating to Landfill Gas Management), owners or operators of a MSW facility must also regularly monitor landfill gas levels generated at a facility and its boundary and, should

gas levels exceed specified limits, provide notice and take necessary response steps to protect human health.

The site operating plan of the application contains air pollution control procedures, including obtaining authorization under and complying with applicable air permits, prohibiting open burning of waste at the proposed facility, conducting mulching operations away from the property boundary of the facility, and controlling dust emissions from mulching activities and on-site access roads. (Application, Part IV, Section 4.10.1).

The site operating plan also contains an odor management plan, which includes procedures to promptly deposit incoming waste in the landfill, minimize the size of the working face of the landfill, apply daily cover at the end of daily operations, promptly clean up any spills of odorous material, regularly inspect gaskets on leachate collection systems, and control landfill gas emissions. (Application, Part IV, Section 4.10.2).

The landfill gas management plan in Part III, Attachment 11 of the application describes the landfill gas monitoring program for the facility to prevent methane concentrations from exceeding regulatory limits in on-site structures or at the facility permit boundary. The landfill gas monitoring program would be in effect for the life of the facility and post-closure period. (Application, Part III, Attachment 11). This landfill gas management plan includes installation of gas monitoring probes and passive vents, a monitoring schedule, recordkeeping of monitoring data, maintenance of methane monitors inside facility structures, and an action plan for reporting and responding to any events of methane exceeding allowable limits.

While no specific air control devices are proposed beyond the landfill gas monitoring system at the beginning of the landfill life, a landfill gas collection and control system may be required should methane gas emissions at the landfill later exceed thresholds established under the federal New Source Performance Standards and any other applicable TCEQ requirements.

If the permit is issued authorizing the proposed MSW facility, then individuals would be encouraged to report any concerns regarding suspected noncompliance with the terms of the permit or other TCEQ authorization or applicable environmental regulation to the Region 9 TCEQ Office in Waco, Texas at 254-751-0335. Individuals may also file complaints online at [tceq.texas.gov/compliance/complaints](https://tceq.texas.gov/compliance/complaints) or by phone at 1-888-777-3186.

The Executive Director has reviewed the application and preliminarily determined that it satisfies the regulatory requirements regarding air quality and emissions.

### **Comment 5: Impacts to Groundwater**

Several commenters raised concerns that the proposed landfill would have an adverse impact on groundwater quality, including nearby groundwater wells. Numerous commenters raised a concern that the proposed landfill would negatively impact aquifers under or near the landfill. Brian Hand expressed concern about the potential negative effect that operation of the proposed landfill could have on the aquifer level. Melissa Porter stated that the Trinity Aquifer, a source of drinking water for area residents, is located on land for the proposed site. Honey Bays, Wendel Bordovsky, Dawn Hand, and Jordan Hand raised concerns about the potential negative impact on drinking water should contaminated water from the proposed facility pollute the water supply. Melissa Porter and Darren Porter stated that the area water supply is

not sufficient to sustain operation of the proposed facility. Robbie Horn stated that the water available is better allocated towards public use than for the proposed landfill.

#### **Response 5:**

In accordance with 30 TAC Chapter 330, Subchapter H (relating to Liner System and Design Operation), an owner or operator of a Type I MSW landfill facility is required to assess the geology and hydrogeology beneath the site and install liners to prevent groundwater contamination. An application for a permit to authorize a MSW facility must include a geology report for a facility area that is prepared by a qualified groundwater scientist and contains soil and groundwater investigation results regarding subsurface conditions, as well as a description of aquifers near a facility. (30 TAC § 330.63(e)(3) and (4)). An application for a permit to authorize a MSW facility must also include a description of all known water wells located within 500 feet of the proposed permit boundary. (30 TAC § 330.61(h)(5)). An owner or operator must implement a system for groundwater monitoring, which must be conducted according to an approved sampling and analysis plan as required under 30 TAC § 330.405 (relating to Groundwater Sampling and Analysis Requirements). The owner or operator must also annually submit a sampling and analysis report to the Executive Director. (30 TAC § 330.407).

To characterize the soils and geology at the site, the Applicant conducted a subsurface investigation following a soil boring plan that met the requirements of 30 TAC § 330.63(e)(4)(A) regarding the number of borings to assess the geology of soils and rocks underneath the proposed facility. The soil boring plan also met requirements as to the depth of borings to identify the uppermost aquifer and deeper interconnected aquifers. (30 TAC § 330.63(e)(4)(B)).

The application includes a geology report prepared by a licensed professional geoscientist that provides further geologic and hydrogeologic assessment of the area proposed for the facility. (Application, Part III, Attachment 4). The geology report states that the soil liner system that would be implemented in the disposal cells of the landfill, along with the natural soils and bedrock underneath the landfill, would further prevent groundwater contamination by acting as a low-permeability barrier. The liner system is described in the groundwater protection plan of the application and meets the requirements of 30 TAC § 330 Subchapter H. (Application, Part III, Attachment 6C).

The groundwater protection plan includes a leachate collection system to collect leachate, liquid that has passed through solid waste in the landfill and contains soluble waste materials, and remove it from the landfill to prevent it from contaminating soil and groundwater in accordance with 30 TAC § 330.333 (relating to Leachate Collection System). (Application, Part III, Attachment 6C). The groundwater protection plan also includes a final cover system to prevent moisture from infiltrating the landfill after closure of the facility, as required under 30 TAC § 330.457.

The geology report includes a description of nearby aquifers and water wells and states that the closest water wells are located between 3 and 7 miles away from the facility and produce water from the Trinity Aquifer, which lies approximately 800 vertical feet below the facility. In Parts I/II, Section 7.2 and Appendix I/IIB of the application, the Applicant has identified the results of the required water well searches. The report states that the facility is unlikely to negatively impact these wells because of their distance from the landfill facility. (Application, Part III, Attachment 4, Section 4.2).



Additionally, the geology report also states that the groundwater monitoring wells would detect any contaminant release, prompting response measures to remedy the release. The application includes a groundwater monitoring plan and a groundwater sampling and analysis plan that meets the requirements of 30 TAC §§ 330.63(f), 330.403, and 330.405. (Application, Part III, Attachment 4, Section 9 and Attachment 7).

FDP No. 2400 would require the Applicant to implement a groundwater monitoring system to monitor groundwater quality for organic and inorganic constituents and report sample analysis results to the Executive Director in accordance with 30 TAC §§ 330.405 and 330.407. (FDP No.2400, Provision IV.I. Groundwater Monitoring System). The groundwater protection plan, groundwater monitoring system, and sampling and analysis plan included in the application are incorporated by reference into FDP No. 2400. (FDP No. 2400, Provisions IV.I. Groundwater Monitoring System and VIII.A. Standard Permit Conditions).

The Executive Director has reviewed the application and preliminarily determined that it meets the regulatory requirements regarding the protection of groundwater beneath the site, and that the proposed facility, operated according to 30 TAC Chapter 330 and the draft permit, would be protective of human health and the environment.

#### **Comment 6: Impacts to Surface Water Quality**

Several commenters raised concerns that the proposed landfill would have an adverse impact on surface water.

Many other commenters expressed concern about the potential for contamination from the proposed facility to pollute creeks, conservation lakes, and other surface waters in the surrounding area. Specifically, David Reed raised the concern that potential runoff from the proposed landfill would drain into Soil Conservation Service Site 19 Reservoir.

Thomas Guest commented that area farmers use water from Tehuacana Creek to irrigate crops and expressed concern about the potential impact any surface water contamination could have on the Brazos River and creeks in the area. Also, Lacey Hollingsworth, Benjamin Stokes, Jordan Hand, Dawn Hand, and Brian Hand raised concerns about the potential impact on crops, soil, and livestock should the soil or surface water become contaminated from the proposed facility.

Dr. Lehr requested an impact study of the facility on water quality, as well as the terms of any monitoring plan and contingency plan in place for responding to an event adversely impacting water quality.

Brenda Trout expressed concern about the proximity of the proposed landfill to a reservoir that provides a source of drinking water for the surrounding community. Honey Bays, Wendel Bordovsky, Dawn Hand, and Jordan Hand raised concerns about the potential negative impact on drinking water should contaminated water from the proposed facility pollute the water supply. Bordovsky further stated that the surrounding community will rely more on surface water as a source of drinking water as the aquifer level diminishes.

#### **Response 6:**

In accordance with 30 TAC § 330.15(h) (relating to General Prohibitions) and the Texas Water Code, Section 26.121 (relating to Unauthorized Discharges Prohibited), an owner or

operator of an MSW landfill facility may not cause the unauthorized discharge of solid waste or pollutants into or adjacent to waters in the state in violation of TCEQ rules regulating surface water drainage at MSW landfills. (30 TAC § 330, Subchapter G). Under 30 TAC § 330.207(a) (relating to Contaminated Water Management), “all liquids resulting from the operation of solid waste facilities shall be disposed of in a manner that will not cause surface water or groundwater pollution.” An owner or operator of an MSW facility may not discharge contaminated water off-site without prior authorization. (30 TAC § 330.207(a), (b) and (e)).

Accordingly, contaminated water and leachate, liquids that have come into contact with waste, must be collected and managed properly. (30 TAC §§ 330.207(b) and 330.3(36) and (80)). An owner or operator of an MSW facility must construct and operate a liner system and leachate collection system designed to prevent leachate or contaminated water from infiltrating deposited waste and entering groundwater in accordance with 30 TAC Chapter 330, Subchapter H. In accordance with 30 TAC § 330.305(b) and (c) (relating to Additional Surface Water Draining Requirements for Landfills), an owner or operator of an MSW facility must also control surface water drainage to minimize water running onto and off from the waste deposited in the landfill.

The application states that no contaminated water would be discharged offsite to waters of the state. (Application, Part III, Attachment 12). Attachment 12, Section 2.3 of the application regarding Stormwater Management represents that the facility owner would obtain a Texas Pollutant Discharge Elimination System (TPDES) permit for discharge of stormwater that has not come into contact with waste.

The application contains a leachate and contaminated water management plan, which includes measures the facility would follow to control and dispose of contaminated water generated at the site. (Application, Part III, Attachment 12). The application states that any surface water that has runoff from the working face of the landfill would be treated as contaminated water, appropriately collected and contained within berms at the working face, and either disposed by evaporation or transported offsite for treatment and disposal at an authorized facility. (Application, Part III, Attachment 12, Section 2.3). Also, diversion berms would be used to divert surface water run-on, such as stormwater, away from the working face of the landfill and keep uncontaminated surface water separate from any contaminated water. If a leachate or contaminated water leak or spill occurs, then any liquid that came into contact with the spilled contaminated water would be treated as contaminated water and appropriately contained and response procedures would be implemented. (Application, Part III, Attachment 12, Section 4). These response procedures include removing the leachate or contaminated water immediately upon detection of the leak or spill and cleaning the area where it occurred.

Additionally, the liners of the landfill’s waste disposal cells would meet the permeability requirements specified in 30 TAC § 330.331(d) to act as a barrier underneath the landfill and further protect soil and surface water from contamination.

TCEQ waste rules do not require an impact study of the facility on water quality, and the Executive Director has not received information of such an impact study having been conducted at the proposed site.

Please, see Response 4 for information on reporting concerns regarding any suspected noncompliance with any TCEQ rules or permit conditions.

The Executive Director has reviewed the application and preliminarily determined that its measures for protecting surface water quality at the proposed facility comply with the regulatory requirements regarding surface water pollution control.

### **Comment 7: Flooding**

Several commenters raised concerns that the area for the proposed landfill includes Federal Emergency Management Agency (FEMA) Flood Zone A. Lauren Ice expressed a concern that the proposed location for the landfill is in a floodplain. Heath Ivy stated that some time has passed since the floodplain was last evaluated and expressed concern that the floodplain could have changed during that time.

Several commenters expressed concerns that the proposed landfill and the surrounding land would be underwater and inaccessible during a flood in the area. Several commenters also raised concerns about the proposed facility potentially flooding waterways in the area, including Soil Conservation Lake 19, Tradinghouse Lake, and Williams Creek. Dr. Larry Lehr stated that, when it is full, the Tehuacana Lake would flood a large amount of land.

Dr. Lehr further expressed concerns about whether the dam could adequately withstand any increased water flow due to any vegetation having been removed to construct the facility. James Trayler raised concerns about the negative potential impact on residents living downstream from the dam if its storage capacity were exceeded.

### **Response 7:**

#### **(Regarding flooding of the surrounding areas, the 100-year floodplain, and the FEMA map)**

In accordance with 30 TAC § 330.547(a) (relating to Floodplains), an owner or operator of an MSW facility may not conduct waste disposal operations in a 100-year floodway as it is defined by FEMA. MSW landfill facilities located within 100-year floodplains may not restrict the flow of a 100-year flood, reduce the floodplain's capacity to temporarily store water, or cause the washout of solid waste. (30 TAC § 330.547(b)). An applicant for a MSW facility must provide a surface water drainage report that identifies whether a facility is located on a 100-year floodplain, include a FEMA map (or other map and calculations) used to identify floodplain locations, and provide flooding factors considered to ensure a facility can withstand a 100-year flood. (30 TAC § 330.63(c)).

A portion of the site is within the 100-year floodplain of Horse Creek and Packwood Creek as defined by FEMA. (Application, Parts I/II, Section 11.1). However, the proposed waste disposal footprint is located entirely outside the limits of the 100-year floodplain defined on the FEMA flood maps. Also, the application states that the 100-year floodplain limits were obtained from the Flood Insurance Rate Maps currently in effect for McLennan County, (dated December 20, 2019), and Limestone County, (dated September 16, 2011), which were obtained from FEMA. The application contains a floodplain evaluation, which demonstrates that the landfill facility and its perimeter drainage system would not be impacted by the 100-year floodplain or the 100-year flood. (Application, Part III, Attachment 6B). The application represents that the landfill part of the facility has a perimeter berm that would be above the 100-year flood level, as well as outside the limits of the 100-year floodplain. The application further represents that the facility would not reduce the water storage capacity of the floodplain or restrict the flow of a 100-year flood or cause the washout of waste from the site

during such a flood event, because plans for the proposed facility include no structures or other development that would impede flood waters.

**(Regarding offsite surface water drainage conditions and area surface waters)**

An applicant for an MSW landfill facility must provide a surface water drainage report demonstrating that the owner or operator will design, construct, maintain, and operate the landfill to manage surface water run-on and runoff during the peak discharge from a 25-year rainstorm and prevent the off-site discharge of waste and waste-contaminated stormwater. (30 TAC §§ 330.63(c) and 330.303). The landfill must have a runoff management system that can collect and control at least the water volume that would result from a 24-hour, 25-year storm. (30 TAC § 330.305(c)). The landfill's design must also provide erosional stability of the landfill during all phases of the landfill's operation, including closure and post-closure care. (30 TAC § 330.305(d)). In the surface water drainage report, an applicant must include calculations reflecting that the facility would not adversely change existing surface water drainage patterns. (30 TAC § 330.63(c)(1)(C)).

The application provides discussions and detailed designs, calculations, and operational considerations for the collection, control, and discharge of stormwater from the landfill, as the above-referenced rules require. (Application, Part III, Attachment 6A). The application also includes a surface water drainage plan that meets the requirements for surface water run-on and run-off control.

The application reflects that surface water drainage has been analyzed for pre-development and post-development conditions. The proposed landfill site consists of two portions: a western portion and an eastern portion. Under the pre-development conditions, surface water generally drains southeast from the western portion towards Horse Creek and south/southwest from the eastern portion towards Horse Creek and Packwood Creek. (Application, Part III, Attachment 6A). These creeks drain into Soil Conservation Lake 19. Under post-development conditions, the proposed surface water drainage features include drainage swales, down chutes, perimeter channels, and detention basins with outlet structures. (Application, Part III, Attachment 6A).

In Part III, Attachment 6A of the application, Tables 6A-5-1 and 6A-5-2 list data comparing pre-development and post-development surface water drainage conditions. Based on the comparisons at the Points of Demonstration (POD), or points where effects on existing drainage patterns were measured by comparing the pre-development and post-development conditions, the landfill development would not result in significant increases in peak discharge rates and discharge volume. (Application, Part III, Attachment 6A, Section 5.4). The highest increase in peak discharge rates is an increase of 1.5 percent at POD 8, and the highest increase in discharge volume is an increase of 0.3 percent at POD 8. Table 6A-5-2 in the application also indicate that the overall post-development discharge rate from the PODs discharging into Soil Conversation Lake 19 is almost the same as the pre-development rate. This data supports that no adverse impact to existing drainage patterns would result from the proposed landfill development.

The Executive Director has reviewed the application and preliminarily determined that it contains sufficient information regarding the floodplain and meets the regulatory requirements regarding the floodplain, stormwater management, and erosion controls.

## **Comment 8: Geological Stability**

Several commenters raised concerns about the geological stability of the land for the proposed landfill. Many commenters mentioned a prevalence of housing foundational issues in the area. Specifically, Melissa Porter stated that the land for the proposed facility would be vulnerable to a contamination release from the facility due to land instability demonstrated by flooding and foundational issues in the area.

### **Response 8:**

An applicant for a MSW landfill facility must submit “geotechnical data that describes the geotechnical properties of the subsurface soil materials and a discussion with conclusions about the suitability of the soils and strata for the uses for which they are intended.” (30 TAC § 330.63(e)(5)). In accordance with 30 TAC § 330.337(b) (relating to Special Liner Design Constraints), an owner or operator of a Type I landfill must show that the liner system would not undergo uplift from hydrostatic forces during excavation beneath the water table for construction of the landfill. MSW facilities are also subject to location restrictions provided in 30 TAC §§ 330.559 (relating to Unstable Areas), 330.555 (relating to Fault Areas), and 330.557 (Seismic Impact Zones).

Part III, Attachment 4 of the application contains a geology and groundwater report that includes discussions, evaluations, and figures that the rule requires. The geology and groundwater report concludes that the subsurface strata of the landfill, (Units I, II, and III), would provide a stable foundation and that the landfill would be suitable for use as a Type I MSW landfill facility. (Application, Part III, Attachment 4, Section 11).

Part III, Attachment 5 of the application regarding geotechnical and stability analysis contains information on the investigation of the subsurface conditions and evaluation of the landfill. The conclusion states that based on subsurface exploration of the site, laboratory testing, and engineering analysis, the slope stability of the landfill is acceptable as designed, the expected settlement of the foundation and the waste is within acceptable limits, and the site is geotechnically suitable for development as a Type I MSW solid waste disposal facility. (Application, Part III, Attach 5, Section 6). The application indicates that an active underdrain system and ballast would be used to achieve and maintain the short-term and long-term stability consistent with the requirements. (Application, Part III, Attachment 10).

Additionally, Part II, Section 9.6 of the application states that poor foundation conditions and other unstable areas specified in 30 TAC § 330.559 do not exist at or immediately adjacent to the facility. Part II, Sections 9.4 and 9.5 of the application include discussion of how the facility would comply with the location restriction requirements of 30 TAC §§ 330.555 and 330.557 regarding fault areas and seismic impact zones. Part III, Section 3.4 of the application states that, considering the depth of low-permeability clay and shale at the proposed site, the geologic setting of the site is considered suitable for landfill development.

Regarding concerns about potential contamination release from the landfill due to land instability from flooding, please see Response 7.

The Executive Director has reviewed the application and preliminarily determined that the application satisfies the regulatory requirements regarding the geological and location suitability of the site.

### ***C. Facility Location, Design, and Maintenance Concerns***

#### **Comment 9: Land Use Compatibility**

Several commenters raised a concern that the proposed landfill is incompatible with surrounding land use, such as for TK Cemetery and schools.

Several commenters raised further concerns that the land for the proposed facility should be preserved and regarded as being of archaeological and Native American historical significance. Many commenters stated that historical artifacts such as arrowheads are present on the land.

#### **Response 9:**

The use of any land for a MSW facility must not adversely impact human health and the environment. (30 TAC § 330.61(h)). An owner or operator must provide information about the potential impacts of the facility on individuals, communities, groups of property owners, or cities by analyzing the community growth patterns, zoning in the vicinity, land use, and other factors associated with the public interest. The TCEQ rules do not establish specific limits on these factors and only require that an applicant provide current and accurate information regarding these factors in the application.

In the application, an applicant must provide the following information: “a published zoning map for the facility and within two miles of the facility for the county or counties in which the facility would be located”; approval of any nonconforming use from the local government, if applicable; information about the character of surrounding land uses within one mile of the proposed facility; “information about growth trends within five miles of the landfill with directions of major development”; the proximity of the proposed facility to residences, business establishments, and other land uses within one mile, such as cemeteries, churches, schools, historic structures, archaeologically significant sites, and sites having exceptional aesthetic quality; and any other information requested by the Executive Director. (30 TAC § 330.61(h)).

The Applicant coordinated with the Texas Historical Commission (THC) for preservation of the TK Cemetery and incorporated the THC’s request for additional buffer space around the cemetery into the permit. (Application, Parts I/II, Appendix I/IIA). Letters demonstrating the Applicant’s coordination with the THC regarding the proposed facility were submitted as part of the application in Parts I/II, Appendix I/IIA. A cultural resources survey prepared by Horizon and submitted to the THC notes that the cemetery boundary is clearly marked with a fence, no grave sites were observed outside the fence line, and the facility would maintain a construction buffer greater than the 25-foot minimum buffer that the surrounding THC cemeteries require.

The Land Use Analysis prepared by John Worrall Consulting, LLC in Parts I/II, Appendix I/IIC of the application reflects that, according to the *Texas Historic Sites Atlas* of the THC, no archaeological sites or historical structures or sites are located within one mile of the landfill boundary. (Application, Parts I/II, Appendix I/IIC).

The Land Use Analysis also states that there are no schools, daycare centers, recreational areas, churches, or sites with exceptional aesthetic quality located within one mile of the landfill boundary. The application further represents that no zoning ordinances or non-conforming use requiring approval or a special permit from local government apply to the proposed landfill. (Application, Parts I/II, Sections 3 and 7 and Appendix I/IIC).

The Executive Director has reviewed the application and preliminarily determined that it contains the required information concerning land use and that the information was current at the time the application was received.

#### **Comment 10: Location Concerns**

Several commenters generally stated that they do not want a landfill in the proposed location. Robbie Horn and Robin Lemons each suggested alternative locations for the landfill facility. Rebecca Allen expressed that the proposed landfill facility would cut through land that historically belonged to her family.

Many commenters stated that most of the land for the proposed landfill is not contained within Waco city limits and McLennan County. Several commenters raised a concern that the proposed facility would serve the City of Waco and have no benefit to its surrounding communities in Axtell, Hill County, and Limestone County. Several commenters also expressed concern that waste belonging to the City of Waco would be discarded in the Axtell and Limestone County communities.

#### **Response 10:**

TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute and rules. TCEQ does not have the authority to specify locations for landfills or to suggest alternatives to the location that the Applicant has proposed for the facility. The Executive Director is only permitted to review the application, as the Applicant has submitted it, for compliance with all applicable rules.

#### **Comment 11: Necessity**

Many commenters raised concerns about there not being a need for the proposed landfill. Specifically, some commented that there is currently a landfill within the city limits of Bellmead, Texas. Vicki Horn commented that the City of Waco has already purchased more suitable land near its existing landfill. Also, Sherry Dulock commented that if the proposed facility were approved, then Axtell would be situated between two landfills.

#### **Response 11:**

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute and rules. Accordingly, the TCEQ does not have jurisdiction to consider the need for regional landfill capacity in deciding whether to issue a permit to authorize a MSW landfill facility. Also, TCEQ cannot restrict the area that a landfill would serve and does not have authority to consider the service area when deciding whether to issue a permit.

## **Comment 12: Recycling**

Several commenters raised the concern that more focus should be on recycling any used materials rather than permitting a new landfill.

### **Response 12:**

It is the policy of the state of Texas and the TCEQ to support the diversion of materials from solid waste streams, to promote the economic recovery and reuse of materials, and to support the development of markets for recycled, remanufactured, or environmentally sensitive products or services in a sustainable manner that protects the environment and public health and safety. Although TCEQ rules do not require that recycling activities be conducted at a MSW Type I landfill, Part IV, Section 4.2.2 of the application states that the landfill would have a Citizen's Collection Station (CCS), which would accept and store recyclables for transport to an authorized recycling facility. Recyclable materials accepted at the CCS would include scrap tires and metal, glass, plastic, newspaper, aluminum, and household appliances. (Application, Part IV, Section 4.2.).

## **Comment 13: Landfill Cover**

James Trayler commented that the proposed landfill would have an impervious cover and expressed concern that it would cause increased water shedding into Soil Conservation Lake 19.

### **Response 13:**

In accordance with 30 TAC § 330.165(b) and (c) (relating to Landfill Cover), an owner or operator of a MSW landfill facility must apply daily cover to the active disposal area and intermediate cover to any waste disposal areas that would be inactive for more than 180 days. An owner or operator of a MSW landfill unit must also implement a final cover system that is designed and constructed to reduce erosion and moisture infiltration as part of the final closure requirements for a landfill facility. (30 TAC § 330.457). An owner or operator of an MSW facility must control surface water drainage to minimize water running onto and off from the waste deposited in the landfill, in accordance with 30 TAC § 330.305(b) and (c) (relating to Additional Surface Water Draining Requirements for Landfills).

Part IV, Section 4.18 of the application states that, during the landfill operation, daily cover of soil material would be placed on the active disposal area and intermediate cover of soil material would be placed on any waste disposal areas that would be inactive for more than 180 days in accordance with 30 TAC § 330.165(b) and (c). These soil covers are "pervious."

The application contains the design of the final cover system that consists of a geomembrane (60-mil HDPE or 40-mil LLDPE) and an 18-inch soil layer with a coefficient of permeability no greater than  $1 \times 10^{-5}$  centimeters/second (cm/sec) as required by 30 TAC §§ 330.457(a)(1) and 330.165(f). (Application, Part III, Attachments 6C and 9). Part III, Attachments 6C and 9 and Drawing 6C.2 of the application include information regarding the final cover system. During closure of the landfill, the final cover would be installed over all waste disposal areas. This final cover is considered "impervious."



Tables 6A-5-1 and 6A-5-2 in Part III, Attachment 6A of the application lists data comparing surface water drainage conditions pre-development and post-development, after the final cover has been installed. Based on the comparisons at the Points of Demonstration (POD), or points where effects on existing drainage patterns were measured by comparing the pre-development and post-development conditions, the landfill development would not result in significant increases in peak discharge rates and discharge volume. (Application, Part III, Attachment 6A, Section 5.4). The highest increase in peak discharge rates is an increase of 1.5 percent at POD 8, and the highest increase in discharge volume is an increase of 0.3 percent at POD 8. Also, Table 6A-5-2 in the application indicates that the overall post-development discharge rate from the PODs discharging into Soil Conservation Lake 19 is almost the same as the pre-development rate. This data supports that no adverse impact to existing drainage patterns would result from the proposed landfill development. For additional information regarding the evaluation of surface water drainage at the proposed landfill facility, please see Response 7.

FDP No. 2400 would require the Applicant to maintain a final cover system in accordance with 30 TAC § 330.457 and to implement temporary sedimentation and erosion control measures until vegetative cover is also established for continued erosion control after closure of the landfill. (FDP No. 2400, Provisions IV.G. Final Cover System and VIII.H. Standard Permit Conditions).

The Executive Director has reviewed the application and preliminarily determined that it satisfies the requirements of 30 TAC §§ 330.457, 330.165 and 330.305 regarding landfill covers and the prevention of adverse impacts on existing surface water drainage patterns.

#### **Comment 14: Buffer Zone**

Many commenters raised a concern about whether the buffer zone would be sufficient. Tommy M. Rogers raised the concern that the land the City of Waco purchased to serve as a buffer zone would not surround all boundaries of the proposed facility. Mike Lee commented that the size of the buffer zone is inadequate for the type of landfill proposed.

#### **Response 14:**

In accordance with 30 TAC § 330.543(a) (relating to Buffer Zones), no solid waste may be unloaded, stored, disposed, or processed within any buffer zone. A newly authorized Type I landfill is required to establish and maintain a 125-foot buffer zone. (30 TAC § 330.543(b)(2)(A)).

Part IV, Section 4.6.2 of the application states that the buffer zones around the perimeter of the landfill would be no less than 125 feet wide as required and located between the permit boundary of the facility and the limits of waste. The buffer zone is illustrated in Parts I/II, Drawing I/II-5 of the application. In addition to the 125-foot buffer that would surround the entire site, the application represents that there would be a 25-foot construction buffer around the TK Cemetery, as requested by the THC.

FDP No. 2400 would require the Applicant to maintain these buffer zones included in the permit application, which are incorporated by reference into FDP No. 2400. (FDP No. 2400, Provision VIII.A. Standard Permit Conditions).

The Executive Director has reviewed the application and preliminarily determined that it meets the regulatory requirements of 30 TAC § 330.543(b) regarding buffer zones.

#### **Comment 15: Easement**

Jordan Hand and Dawn Hand stated that there is an easement for the soil conservation lake. Dr. Larry Lehr and Wendel Bordovsky asked whether the proposed facility would restrict easements onto the landfill property that are held by the Tehuacana Creek Water Control and Improvement District (TCWCID), which it uses to maintain the dam.

#### **Response 15:**

In accordance with 30 TAC § 330.141(a) (relating to Easement Protection), no solid waste may be unloaded, stored, disposed, or processed within any easement or right-of-way crossing the facility. Solid waste disposal may not occur within 25 feet of the center line of any pipeline easement or utility line and no closer than the easement, unless the Executive Director authorizes otherwise. (30 TAC § 330.141(a)). Additionally, posts extending at least six feet above ground level and spaced at intervals no more than 300 feet must clearly mark all such pipeline and utility easements. Overall, “a permit does not convey any property rights of any sort, or any exclusive privilege.” (30 TAC § 305.125(16)).

Part IV, Section 4.6.1 of the application states that no disposal, processing, unloading, or storage of solid waste would occur within any right-of-way or easement crossing the site of the facility, unless the easement has been relocated or abandoned. The application further represents that waste disposal would be at least 25-feet away from the centerline of any pipeline or utility easement and that all easements would be clearly marked in accordance with 30 TAC § 330.141(a). (Application, Part IV, Section 4.6.1).

In December of 2021, the Executive Director received a supplemental submittal from the Applicant that contains additional information on the establishment of specific access entrance locations whereby the TCWCID would be able to access its easement from the landfill property. (Application, Part III, Attachment 3, Drawing 3.1A and Attachment 6A, Drawing 6A.3A). Specific access arrangements between TCWCID and the Applicant are outside the scope of the Executive Director’s review.

The Existing Conditions Summary in Parts I/II, Section 3 of the application includes the flowage easement under the jurisdiction of the TCWCID. The application further states that no waste would be deposited in the flowage easement or its access routes. (Application, Parts I/II, Section 3). Access routes to the flowage easement as detailed in Drawings 3.1A and 6A.3A of the application. (Application, Parts I/II, Attachment 3, Drawing 3.1A and Attachment 6A). The application represents that the easement instrument states, “[t]his easement includes the right of ingress and egress at any time over and upon the above-described land of the Grantor and any other land of the Grantor adjoining said land.”

The Executive Director has reviewed the application and preliminarily determined that it satisfies the regulatory requirements under 30 TAC § 330.141 concerning the protection of easements and the management of solid waste.

## **Comment 16: Land Ownership Concern**

Randy Barton raised a concern about whether a clear title of ownership exists for the land designated for the proposed facility.

### **Response 16:**

An application for a permit to authorize a MSW facility is required to contain property owner information that includes a legal description of the facility. (30 TAC § 330.59(d)). A legal description of the property for a MSW facility must include identifying reference information for the current ownership record of the property. (30 TAC § 330.59(d)(1)(A)). Additionally, the application must include an affidavit signed by the owner stating that the owner or operator of the facility would have access to the property during the life of the facility and after its closure for maintenance and inspection purposes. (30 TAC § 330.59(d)(2)(C)).

The application for the proposed landfill facility includes the required property owner information and a legal description of the property in Parts I/II, Sections 13 and 14 of the application. A property owner affidavit, notarized on August 7, 2018, states that the City of Waco is the owner of record of the 502.5-acre parcel of land that is located at 4730 TK Parkway, Axtell, Texas, which would be the site of the facility. (Application, Parts I/II, Section 14).

The Executive Director has reviewed the application and preliminarily determined that the property owner information and legal description of the property satisfies the regulatory requirements.

## **Comment 17: Fire Department Services and Emergency Response**

Several commenters raised concerns about the ability of the volunteer fire department to respond to potential fires at the proposed facility. Robert Covey stated that the City of Waco fire station closest to the proposed facility would have a 20-30-minute response time.

### **Response 17:**

In accordance with 30 TAC § 330.129 (relating to Fire Protection), an application for a MSW landfill facility is required to include a site operating plan that contains a fire protection plan specifying fire protection standards to be implemented at the facility. If a fire is detected at the facility, then an operator of a MSW landfill must initiate fire protection plan procedures.

The fire protection plan required by 30 TAC § 330.129 for the landfill is included in Part IV, Section 6 of the application. The fire protection plan includes fire prevention procedures, including clearing dead brush, trees, or vegetation next to the landfill to avoid grass, brush, or forest fires. (Application, Part IV, Section 6). The fire prevention procedures also include prohibiting open burning at the landfill, removing landfill equipment from the active disposal area of the landfill at the end of each day, and maintaining a stockpile of soil next to the working face of the landfill that is enough to cover the working face and smother any fire within one hour. The application also represents that heavy equipment for the landfill would be equipped with fire extinguishers. (Application, Part IV, Section 3).

Part IV, Section 2.2 of the application regarding training states that landfill personnel would be trained in response procedures applicable in the event of a fire or explosion at the facility. Landfill personnel would also be trained in the use of firefighting equipment.

(Application, Part IV, Section 6.2). Additionally, the application states that, in a pre-planning session, the landfill manager would meet with the local fire department to discuss fire prevention and response procedures for the facility. Fire response protocols would include calling the local fire department, as well as the City of Waco Fire Department according to any inter-local aid agreement then in place. The application includes a list of specific fire-fighting measures. (Application, Part IV, Section 6.3). As possible, personnel would take steps to safely contain or extinguish the fire according to procedures included in the fire protection plan, until the fire department arrives.

The Executive Director has reviewed the application and preliminarily determined that it meets the regulatory requirements of 30 TAC § 330.129 regarding fire protection.

#### ***D. Community Impacts Concerns***

##### **Comment 18: Traffic Impacts and Traffic Safety**

Several commenters raised concerns that the local road infrastructure would not be able to handle the road traffic generated by a landfill and that the proposed landfill would cause increased traffic congestion and traffic hazards. Karen Saucedo, Christine Weddington, Lacey Hollingsworth, Julianna Steffek, and Joellen Skinner expressed specific traffic safety concerns, including blind spots, narrow roads, a lack of traffic signals, and insufficient roadway lighting around the proposed facility. Darren Porter stated that the roads near the proposed facility were not properly constructed. Many commenters raised concerns about heavy traffic from vehicles and equipment for the proposed facility potentially causing damage to road surfaces in the area.

Several commenters expressed concern about the potential negative impact any vehicles for the proposed facility that exceed area speed limits may have on traffic safety. Robert Covey stated that the area is unincorporated and has limited traffic control and enforcement. Many commenters raised concerns about fatalities from vehicular accidents at intersections and straightaways near the proposed landfill.

##### **Response 18:**

In accordance with TCEQ rule 30 TAC § 330.61(i), an application for an MSW landfill permit must include data on access roads for the proposed facility. This includes data regarding the availability and adequacy of roads that the landfill will use to access the site and data regarding the traffic volume that a facility is expected to generate on access roads located within one mile of the facility. (30 TAC § 330.61(i)).

Parts I/II, Section 8.1 of the application states that the primary access route to the landfill would be via State Highway 31 (SH 31) and Farm to Market 939 (FM 939), also known as T K Parkway. FM 939 is a two-lane, asphalt-paved road, and SH 31 is concrete-paved four-lane divided highway. (Application, Parts I/II, Section 8.1). The proposed site entrance for the facility would be on FM 939.

A traffic impact analysis (TIA) prepared by Lee Engineering was developed and is provided in Parts I/II, Appendix IID-2 of the application. Preliminary information provided in the application indicates that traffic on FM 939, near the proposed site entrance, was 607 vehicles per day (vpd) based on the 2016 Waco District Traffic Map. (Application, Parts I/II,

Section 8.1). According to the same map, traffic counts for SH 31 were 6,063 vpd near the intersection of SH 31 and FM 939, which is approximately 0.4 mile north of the proposed site entrance. The application proposes a maximum initial increase of 442 vpd and an increase to a maximum of 679 vpd over the life of the landfill.

The TIA was submitted to the Texas Department of Transportation (TxDOT) for review and comment. (Application, Parts I/II, Appendix I/IIA). This correspondence with TxDOT is documented in Parts I/II, Appendix I/IIA of the application. In its letter dated March 25, 2020, TxDOT stated that it reviewed the TIA and confirmed that “the TIA addressed all comments and questions regarding the adequacy and design capacity of access roads to safely accommodate the additional volumes and weights of traffic generated or expected to be generated by the facility operation contingent upon the construction of the improvements shown within the schematic prepared by Walker Partners.” (Application, Parts I/II, Appendix I/IIA). The TIA indicates the adequate capacity and acceptable service level of the access roads and area intersections. (Application, Parts I/II, Section 8.1).

To enhance traffic safety near the facility, the application further states that TxDOT plans to construct overpass structures at the intersections of SH 31 and FM 939. The application lists other road improvements that TxDOT would complete before the landfill facility opens, including eight-foot shoulders on each side of FM 939 between the landfill entrance and SH 31 and a northbound right-turn lane and a southbound left-turn lane to accommodate traffic entering the facility.

FDP No. 2400 would require the Applicant to design and maintain on-site access roads in a manner that limits the tracking of debris onto public access roads to maintain safe road surfaces. (FDP No. 2400, Provision VIII.F. Standard Permit Conditions).

The Executive Director has reviewed the application and preliminarily determined that it satisfies the regulatory requirements regarding the use of public roads to access the proposed site.

### **Comment 19: Visual Impacts**

Several commenters are concerned that the proposed landfill construction would have a negative visual impact on residences and businesses near the facility and on the surrounding community.

### **Response 19:**

In accordance with 30 TAC § 330.23(a), the Executive Director is required to coordinate with and solicit recommendations from the Texas Department of Transportation (TxDOT) for existing or proposed facilities within 1,000 feet of a primary highway or interstate when determining the need for screening or special operating requirements. As part of the facility layout maps in an application for a MSW facility, an applicant is required to identify provisions for the maintenance of natural windbreaks, such as greenbelts, where they would improve the appearance and operation of the facility and, where appropriate, plans for screening the facility from public view. (30 TAC § 330.61(d)(7)). Under 30 TAC § 330.175 (relating to Visual Screening of Deposited Waste), an owner or operator of a MSW facility must also provide visual screening for deposited waste at a landfill facility.

The application reflects measures to provide visual screening of waste that would be deposited at the landfill. (Application, Part IV, Section 4.21). The application states that an eight-foot privacy fence would be implemented at the facility along the western boundary of the facility next to FM 939, which would also provide access control to the property around the permit boundary. This privacy fence is depicted in Part III, Drawing 1.2. Also, side-slopes would be constructed to provide screening for filling activities occurring at the interior of the landfill. The working face of the landfill would be restricted to the smallest area possible and oriented away from FM 939. At the end of each operating day, daily cover would be applied over the active disposal area of the landfill, and intermediate cover would be applied to any disposal areas that are inactive for more than 180 days. Vegetation would be applied to intermediate and final cover. Existing trees and other vegetation would also be maintained along the permit boundary next to FM 939 where feasible.

TxDOT has recommended no additional measures to screen the facility from public view. In a letter dated March 25, 2020, TxDOT responded that screening or special operating requirements are not necessary for this facility. This correspondence with TxDOT is documented in Parts I/II, Appendix I/IIA of the application. (Application, Parts I/II, Appendix I/IIA).

The Executive Director has reviewed the application and preliminarily determined that it satisfies the regulatory requirements of 30 TAC Chapter 330 regarding screening to minimize negative visual impacts on the surrounding area.

#### **Comment 20: Windblown Waste and Litter Control**

Several commenters raised a concern that landfill operations would cause litter or windblown trash in their yards and along the highway and roads.

Concerned Citizen requested that tarps or nets be required covering for any vehicles transporting waste for the landfill and that citations issue to any violators.

#### **Response 20:**

In accordance with 30 TAC § 330.139 (relating to Control of Windblown Solid Waste and Litter), the operation standards for MSW landfills require that the working face of the landfill be maintained and operated in such a manner that controls windblown solid waste and litter. Windblown material and litter must be collected and managed to control conditions that may be unsafe, unhealthy, or unsightly. The site operating plan for the facility must identify measures for confining any otherwise windblown waste and litter. (30 TAC § 330.139). An owner or operator of a MSW landfill facility is also required to encourage that vehicles carrying waste to the facility are enclosed or provide effective measures to securely contain loads of waste and prevent waste from blowing or spilling from waste transport vehicles. (30 TAC § 330.145). Also, an MSW landfill facility owner or operator is required to clean up any spilled waste material along public access roads that serve the facility for within two miles of the facility entrance, as well as at the gate and along fences throughout site at least once a day while the facility is operating. (30 TAC §§ 330.139 and 330.145).

Part IV, Sections 4.5, 4.8, and 4.12 of the application contains procedures to control windblown solid waste and litter and to control and cleanup materials along the route to the site. Waste transportation vehicles would be required to use sufficient cover, such as tarpaulins

and nets, to contain waste and prevent windblown waste and litter. (Application, Part IV, Sections 4.5 and 4.8). The Applicant would provide litter control fences as necessary and apply daily cover to the working face of the landfill at the end of each operating day to help reduce windblown waste. (Application, Part IV, Section 4.5). The Applicant would also be responsible for picking up litter scattered throughout the site along fences and access roads, at the gate, and along and within the right-of-way of public access roads serving the landfill for a distance of two miles from the entrance, including any waste illegally dumped within the right-of-way. (Application, Part IV, Sections 4.5 and 4.8). That cleanup must occur at least once a day on the days that the landfill is in operation. Should windblown waste or litter escape these control measures and cross the permit boundary onto adjacent property, then the facility would contact the adjacent property owners to seek permission for litter pick-up. (Application, Part IV, Section 4.5).

FDP No. 2400 would require the Applicant to consult with TxDOT or another applicable road maintenance authority regarding standards for cleaning up mud and litter on public roads serving the facility before it begins receiving waste. (FDP No. 2400, Provision VIII.K. Standard Permit Conditions). The procedures in the application to prevent and clean-up windblown waste and litter are incorporated by reference into FDP No. 2400 and would become enforceable upon issuance of the permit. (FDP No. 2400, Provision VIII.A. Standard Permit Conditions).

Please, see Response 4 for information on reporting concerns regarding any suspected noncompliance with any TCEQ rules or permit conditions.

The Executive Director has reviewed the application and preliminarily determined that the procedures in the site operating plan regarding the minimization, control, and clean-up of litter and windblown waste satisfy the requirements of 30 TAC §§ 330.139 and 330.145.

### **Comment 21: Vector Control**

The TCEQ received comments expressing concern that the proposed landfill could attract and increase any existing populations of vectors and vermin. Specifically, commenters expressed concerns with hogs, coyotes, rats, and mosquitos and their potential to negatively impact human and animal safety and surrounding property.

Mike Lee of Southern Cross Whitetail Ranch expressed concern about the proposed facility attracting flies that have potential to infect their whitetail deer with disease.

Darren Porter also raised a concern regarding potential noise and damage from any hogs or other vectors that are unable to penetrate the proposed landfill's perimeter and asked how area properties would be protected from any damage they cause.

Angela Radde expressed concern that the proposed facility could result in an increased bird population and about the potential danger to air traffic safety that such an increase would present for nearby airports.

### **Response 21:**

In accordance with 30 TAC § 330.15(a)(2) (relating to General Prohibitions), an owner or operator of a MSW facility is generally prohibited from operating the facility in a manner that causes a nuisance. Under 30 TAC § 330.3(97), a nuisance is defined to include the breeding of rodents or insects. In accordance with 30 TAC § 330.151 (relating to Disease Vector Control), a

site operator is required to control on-site populations of disease vectors using appropriate compaction and daily cover procedures, and the use of other necessary and approved methods. Under 30 TAC § 330.3(175), a vector is defined as an agent, such as an insect, bird, snake, rodent, or other animal that is capable of transferring pathogens from one organism to another. Also, the Executive Director is required to coordinate with the Federal Aviation Administration (FAA) when reviewing applications for permits to authorize MSW landfill facilities near airports. (30 TAC § 330.23(c)).

The procedures provided for vector control are discussed in Part IV, Sections 4.11 and 4.19 of the application. These vector control procedures include minimizing the size of the working face, proper waste compaction and the application of weekly, intermediate, and final cover, adherence to the ponded water prevention plan, and daily checks for vector and vermin population. (Application, Part IV, Sections 4.11 and 4.19). Alternatively, if the methods described in daily operations do not control vectors, then a licensed professional would apply pesticides to ensure that proper chemicals are used and that they are properly applied.

Parts I/II, Appendix I/IIA of the application includes letters of coordination with the FAA regarding the siting of the proposed landfill facility. In a letter dated June 24, 2021, the FAA determined that the proposed location for the facility would not present a hazard to air navigation. (Application, Parts I/II, Appendix I/IIA).

FDP No. 2400 would require the Applicant to limit the size of the active waste disposal area of the landfill and apply daily cover to minimize vectors at the site. (FDP No. 2400, Provision IV.K. Vector Control). Procedures for controlling vectors and scavenging animals included in the application are incorporated by reference into FDP No. 2400 and would become enforceable upon issuance of the permit. (FDP No. 2400, Provision VIII.A. Standard Permit Conditions).

The Executive Director has reviewed the application and preliminarily determined that it satisfies the requirements of 30 TAC § 330.151 for controlling vectors and scavenging animals and 30 TAC § 330.23(c) for coordinating with the FAA.

## **Comment 22: Odor**

Many commenters indicated a concern that the proposed landfill facility would produce nuisance odors and asked how odor emitting from the facility would be controlled.

Robin Tapp Lemons expressed concern about the smell of methane gas negatively affecting the country air.

## **Response 22:**

In accordance with 30 TAC § 330.15(a)(2) (relating to General Prohibitions), an owner or operator of a MSW facility is generally prohibited from operating the facility in a manner that causes a nuisance. Under 30 TAC § 330.3(97), a nuisance is defined to include odors detrimental to human safety, health, or welfare. Applications for an MSW landfill must include site-specific development and operating plans that include proposed odor control and ventilation measures for each storage, disposal, and processing unit. (30 TAC § 330.63(b)(2)(C)). Additionally, the site operating plan must have an odor management plan that addresses odor sources and includes general instructions on how to control odors and their sources. (30 TAC



§ 330.149). The odor management plan must include procedures for adequate control of odors. An application for a MSW facility must include a landfill gas management plan in accordance with 30 TAC §§ 330.63(g) and 330.371 (relating to Landfill Gas Management).

Part IV, Section 4.10 of the application includes an odor management plan and provides procedures for controlling odors, such as placing six inches of cover over all waste daily, removing ponded water, and regrading soils as needed to prevent odors from becoming a nuisance. The odor management plan also includes procedures to promptly deposit incoming waste in the landfill and clean up any spills of odorous material, minimize the size of the working face of the landfill, and control landfill gas emissions. (Application, Part IV, Section 4.10.2).

Landfill gas consists mainly of methane and carbon dioxide with small amounts of nitrogen, oxygen, hydrogen, and non-methane organic compounds. Rules under 30 TAC §§ 330.63(g) and 330.371 require the control of landfill gas to prevent possible explosive hazards due to migration and accumulation of methane. Methane gas at the landfill facility would be managed through a landfill gas management plan, which is included in Part III, Attachment 11 of the application.

FDP No. 2400 would require the Applicant to design, install, operate, and maintain a landfill gas management system consistent with the requirements of 30 TAC § 330.371, monitor methane gas levels, and follow any response procedures if levels exceed detection limits. (FDP No. 2400, Provision IV.H. Landfill Gas Management). The odor and landfill gas management plans included in the application are incorporated by reference into FDP No. 2400 and would become enforceable upon issuance of the permit. (FDP No. 2400, Provision VIII.A. Standard Permit Conditions).

Please, see Response 4 for information on reporting concerns regarding any suspected noncompliance with any TCEQ rules or permit conditions.

The Executive Director has reviewed the application and determined that the odor management plan and landfill gas management plan in the application satisfy the regulatory requirements for odor control and landfill gas management at the proposed facility.

### **Comment 23: Noise and Operating Hours**

Several commenters expressed concern about the impact of operating hours and noise from landfill activities, waste trucks, and operating equipment on the surrounding community. Several commenters also raised a concern that the operations of the proposed landfill would detract from the quiet country life of residents in the surrounding area.

### **Response 23:**

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. TCEQ rules do not set specific limits on the amount of noise generated by landfill activities, vehicles, or equipment. However, a permit issued by the Commission "does not authorize any injury to persons or property or an invasion of other property rights, or any infringement of state or local law or regulations," in accordance with 30 TAC § 305.122(d) (relating to Characteristics of Permits).

In accordance with 30 TAC § 330.135(a) (relating to Facility Operating Hours), an application for a MSW landfill facility must include a site operating plan that specifies the waste acceptance and operating hours for when a facility will transport materials on or off-site, as well as the hours for when a facility will operate heavy equipment. An MSW landfill may accept waste between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless otherwise approved in the permit authorizing the facility. The transportation of materials and the operation of heavy equipment between 9:00 p.m. and 5:00 a.m. is prohibited, unless specifically approved in the permit. The date, time, and duration of any alternate operating hours (up to 5 days in a calendar year), which may be authorized in the permit to accommodate holidays and special events or to address disaster or emergency circumstances, must be recorded in the site operating record. (30 TAC § 330.135(b) and (d)). The days and hours of operation for the landfill facility must be posted on a sign at all waste receipt entrances of the facility. (30 TAC § 330.137).

Part IV, Section 4.3 of the application indicates that the landfill would be open for waste acceptance from 7:00 a.m. to 7:00 p.m., Monday through Saturday. The site would be closed on Sundays and during holidays. (Application, Part IV, Section 4.3). The facility would conduct waste acceptance, filling, construction, earthmoving, or other activities anytime within these landfill waste acceptance hours. The application indicates that non-waste acceptance site operations at the facility would be from 5:00 a.m. to 9:00 p.m., Monday through Saturday. These operations include construction, earthmoving, monitoring, and other non-waste acceptance activities.

FDP No. 2400 would require the Applicant to maintain these days and hours of operation and to post them on signs at entrances of the facility that receive waste, as required under 30 TAC § 330.137. (FDP No.2400, Provisions II.A. Hours of Waste Acceptance and Operation and IV.L. Facility Sign Requirements). Representations regarding days and hours of operation included in the application are incorporated by reference into FDP No. 2400 and would become enforceable upon issuance of the permit. (FDP No. 2400, Provision VIII.A. Standard Permit Conditions). The Executive Director has received no information to justify restricting these proposed operating hours. If noise creates a nuisance, please see Response 4 for information on reporting concerns regarding any suspected noncompliance with any TCEQ rules or permit conditions.

The Executive Director has reviewed the application and preliminarily determined that it satisfies the regulatory requirements regarding operating hours for the proposed facility.

#### **Comment 24: Recreation**

Several commenters expressed concerns about the potential negative impact the proposed facility could have on recreational activities, including fishing, hunting, kayaking, and other outdoor activities, in the surrounding community. Specifically, Robin Lemons raised concerns about contamination to three creeks where their children play, which then feed into the conservation lake, and the risk that exposure to contaminated water may have to human health.

**Response 24:**

The TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute and rules. Accordingly, the TCEQ does not have jurisdiction to consider negative impacts on recreational activities outside of the permitted boundary.

For concerns regarding any potential negative impacts to surface water due to contamination from the proposed facility, please see Response 6.

**Comment 25: Property Values, Taxes, and Local Economy**

Several commenters raised a concern that the proposed landfill would negatively affect the values of residential property and nearby businesses in the area surrounding the proposed facility. Specifically, Joy Elise Minix, and Amber Nichols of Vintage Oaks Ranch Wedding and Event Venue expressed concern about the potential negative impact the proximity of the proposed facility could have on their wedding venue business. Gina Ford, Brian Ford, and Mike Lee of Southern Cross Whitetail Ranch raised concerns about the potential negative impact the proposed facility could have on aspects of their breeding and hunting ranch business. J.R. Proctor expressed concern about lost potential wind power investment and revenue opportunities for landowners near the proposed facility.

Several commenters expressed concerns regarding how much the facility would cost tax-paying residents of the surrounding area.

Richard Duncan raised a concern that the proposed landfill could cause a decrease in local property taxes and negatively impact the local school district. Specifically, Brian Hand stated that Axtell depends on rural taxes due to few commercial properties in the area and expressed concern about a potential loss of revenue that Axtell Independent School District relies upon to support its day-to-day operations, pay teachers, and educate children. Dawn Hand also commented that the property of the proposed landfill would become tax exempt and cause a decrease in the school district's tax base.

Stuart Pyburn stated that the City of Waco would not be paying taxes, so there would be less money to repair any damage that vehicles used for the proposed landfill may cause to roads in the area.

**Response 25:**

The TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute and rules. Accordingly, the TCEQ does not have jurisdiction to consider economic or tax impacts and any effect on property values in surrounding areas when determining whether to approve or deny a permit application.

**Comment 26: Livelihood**

Many commenters raised a concern regarding the potential negative impact the facility could have on the livelihood of farmers and agricultural businesses nearby.

Also, Joy Minix, Matt Nichols, and Amber Nichols expressed concern about the potential negative impact the proximity of the proposed facility could have on their livelihood from their wedding venue business.

And Gina Ford, Brian Ford, and Mike Lee raised concerns about the potential negative impact the proposed facility could have on their livelihood from their breeding and hunting ranch business.

**Response 26:**

The TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute and rules. Accordingly, the TCEQ does not have jurisdiction to consider any economic impacts, such as impacts to livelihoods, on surrounding areas when determining whether to approve or deny a permit application.

**Comment 27: Costs to Waco Residents**

Several commenters expressed concern about the potential for added costs to residents, landowners, and business owners in the community from the proposed landfill facility. Many commenters expressed concerns regarding how much the facility would cost tax-paying residents of the surrounding area.

Shana Strock asked whether there would be an additional cost to the community for public services and utilities required at the facility, such as fire, ambulance, and police services and water, sewer, and electric utilities. Brian Hand specifically asked whether the community would have to pay the cost to supply water to the proposed facility.

Ben Williams stated that the distance of the proposed facility from the center of Waco would likely raise costs for its users.

**Response 27:**

The TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute and rules. Accordingly, the TCEQ does not have jurisdiction to consider any economic impacts to residents and businesses in the community surrounding a proposed MSW landfill facility when determining whether to approve or deny a permit application.

**Comment 28: Environmental Justice**

Several commenters expressed concern about the potential negative impact the proposed facility may have on low-income communities in the surrounding area.

**Response 28:**

TCEQ and the United States Environmental Protection Agency (EPA) coordinate on the rules and policies of both agencies, and the EPA has primary jurisdiction over Title VI and environmental justice concerns. EPA's webpage, *Environmental Justice / US EPA*, notes that environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Although there are no TCEQ rules addressing the location of permitted facilities in areas with low-income populations, TCEQ has made a strong policy commitment to environmental justice.

TCEQ is committed to protecting human health and the environment for all Texans throughout the state. When evaluating permits that would authorize landfill facilities, TCEQ

considers the surrounding community without regard to its socioeconomic or racial status. The Office of the Chief Clerk works to help citizens and neighborhood groups participate in the regulatory process to ensure that agency programs that may affect human health or the environment operate without discrimination and to make sure that citizens' concerns are considered thoroughly and are handled in a way that is fair to all. For more information on Environmental Justice, individuals may contact the Office of the Chief Clerk at 512-239-3300 or visit TCEQ's webpage, *Title VI Compliance at TCEQ* at [tceq.texas.gov/agency/decisions/participation/title-vi-compliance](http://tceq.texas.gov/agency/decisions/participation/title-vi-compliance)

#### **Comment 29: In Favor/ Supporting Permit**

Concerned Citizen commented that they are in favor of the proposed landfill.

#### **Response 29:**

The Executive Director acknowledges this comment.

#### **Comment 30: Compliance History**

Several commenters raised concerns regarding the Applicant's compliance history. Robbie Horn and Heath Ivy commented that the City of Waco has had previous violations from its other landfill facility. Vicki Horn stated that the City of Waco "are not good landfill stewards" and raised concerns about the City's management of another landfill facility. Many commenters raised concerns about fines issued to the City of Waco stemming from another facility that it operates.

#### **Response 30:**

In accordance with 30 TAC § 330.59(f)(1), an applicant for a MSW facility is required to demonstrate evidence of competency to operate such a facility by listing solid waste sites managed by the applicant for the last 10 years, employing a licensed MSW supervisor before commencing operation of the facility, disclosing principals' and supervisors' names and experience, and providing details on the equipment dedicated to operating the facility. A site operating plan for a MSW landfill facility must include a description of equipment that will be used at the facility based on the minimum waste acceptance rate for the landfill and other requirements for the facility's operation. (30 TAC § 330.127(2)).

Additionally, when deciding on the issuance of a permit, the Executive Director utilizes compliance history, which includes history five years before the Executive Director receives the permit application and consists of information related to compliance and specific to the site under review for a permit and other sites owned or operated by the same person. (30 TAC § 60.1(a)(1)(A), (b), and (c)). In accordance with 30 TAC § 60.3(g), "a person or site classification itself shall not be a contested issue in a permitting or enforcement hearing." The preamble to this rule states: "A person or site classification will be established outside the contested case process and not litigated and re-litigated in the context of permitting and enforcement actions." 27 Tex. Reg. 7897 (2002).

Information regarding the Applicant's ability to operate the proposed landfill is presented in Part I, Section 16. Part IV, Section 2 of the application represents that the proposed landfill supervisor would have and maintain a MSW Facility Class A license. The application also provides a personnel organizational chart and contains the qualification

requirements and responsibilities that would apply to the director of solid waste, the landfill manager, and the landfill supervisor. (Application, Part IV, Section 2).

The application further reflects that sufficient equipment would be provided to conduct site operations according to the proposed landfill design and permit conditions. (Application, Part IV, Section 3). The application states that equipment requirements for the proposed facility would be based on the anticipated volumes of solid waste and field conditions. The equipment requirements are described in Part IV, Section 3 and Table IV3.1, as required by 30 TAC § 330.127(2).

During the technical review of the permit application, a compliance history review of the Applicant and the site was conducted based on the criteria in 30 TAC Chapter 60. These rules may be found at the following link: [tceq.texas.gov/rules/index.html](http://tceq.texas.gov/rules/index.html). Compliance history information for sites outside Texas borders is not considered. The compliance history for the Applicant and site was reviewed for the five-year period prior to the date the permit application was received by the Executive Director. The compliance history includes multimedia (air, water, and waste) compliance-related components about the site under review and is not limited to waste-related issues. These components include enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emission events, investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs, and early compliance.

Compliance history ratings are classified as follows:

- High: rating below 0.10 – complies with environmental regulations extremely well;
- Satisfactory: rating 0.10 – 55.00 generally complies with environmental regulations;
- Unsatisfactory: rating greater than 55.00 – fails to comply with a significant portion of the relevant environmental regulations;
- Unclassified: inadequate or no compliance information;
- Not applicable: the customer and site were created after the annual compliance history audit.

The compliance rating and classification, which is the multimedia average of the ratings for all sites the Applicant owns, is rated as “satisfactory” with a rating of 0.54 at the time of the receipt of the application. This compliance rating considers all sites owned and operated by the Applicant in the state and reflects all violations for all media that may have occurred at the separate facility locations. Compliance history ratings are public information and can be accessed at the following link: [www2.tceq.texas.gov/oce/ch/index.cfm](http://www2.tceq.texas.gov/oce/ch/index.cfm).

The compliance history review does not include an analysis of each violation, audit disclosure, or other rating components. Such analysis is beyond the scope of the application review process in accordance with 30 TAC § 60.3(g).

### **Comment 31: Comments Regarding the City of Waco**

Several commenters raised concerns about the City of Waco’s transparency during the application process. Specifically, many commentors stated they have concerns regarding the

City of Waco's purchasing the land for a landfill facility without providing notice to Limestone County and Hill County, which have both passed resolutions opposing the proposed facility.

Some commenters stated that the mayor for the City of Waco has a conflict of interest with the land purchased for the proposed landfill site.

Heath Ivy stated that the City of Waco likely paid for the water research study for the proposed landfill site.

**Response 31:**

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. These specific questions or concerns were addressed to the Applicant and are therefore included for completeness.

**Comment 32: County Ordinance Concerns**

Several commenters, including Lauren Ice and Marisa Perales, stated that both Limestone County and Hill County have passed ordinances against the proposed landfill facility. Specifically, Lauren Ice stated that the application does not include the Limestone County citing ordinance and that any land use analysis must acknowledge it. Thomas Guest stated that two out of the three counties that could potentially be affected by the proposed landfill facility have passed resolutions opposing it.

**Response 32:**

A county may prohibit MSW disposal in the county by adopting an ordinance designating an area of the county wherein such waste activity is not prohibited, unless an application for a permit to authorize MSW disposal has been filed with or is pending with the Commission. (THSC § 364.012(a), (b), and (e)(1)).

The proposed permit boundary for the landfill facility would not include Hill County.

The Executive Director is aware of the ordinances (or "resolutions") that were adopted regarding the proposed facility. However, these ordinances were adopted after the Applicant filed its pending application for a permit to authorize the proposed landfill facility with TCEQ.

**V. Conclusion**

The Executive Director has reviewed the application and determined that it meets the regulatory and statutory requirements.

**VI. Changes Made to the Draft Permit in Response to Comments**

No changes were made to the Final Draft Permit in response to public comments received.

Respectfully submitted,

Texas Commission on Environmental Quality

Toby Baker  
Executive Director

Erin Chancellor, Director  
Office of Legal Services

Charmaine Backens, Deputy Director  
Environmental Law Division



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Heather Haywood, Staff Attorney  
Environmental Law Division  
State Bar No. 24080935  
P.O. Box 13087, MC 173  
Austin, Texas 78711-3087  
Phone: (512) 239-5474  
Fax: (512) 239-0606



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Anthony Tatu, Staff Attorney  
Environmental Law Division  
State Bar No. 00792869  
P.O. Box 13087, MC 173  
Austin, Texas 78711-3087  
Phone (512) 239-5778  
Fax: (512) 239-0606



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Kayla Murray, Staff Attorney  
Environmental Law Division  
State Bar No. 24086775  
P.O. Box 13087, MC 173  
Austin, Texas 78711-3087  
Phone: (512) 239-4761  
Fax: (512) 239-0606

REPRESENTING THE EXECUTIVE DIRECTOR OF  
THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY



## **V. Attachments 1 through 36**

**Attachment 1**  
The City of Waco, Permit No. 2400  
Persons That Submitted Timely Comments

---

Alexander, Shanna M.	Ford, Brian Paul	Jenkins, Trisha
Allen, Rebecca Williams	Ford, Gina	Johnson, Kassidi
Allgood, Melissa Rena	Ford, Ryan	Johnson, Starla
Anderson, Alicia	Ford, Lauren	Kaltenbach, Patrick
Andrews, Janice Gravitt	Ford, Alec	King, Cheryl
Athey, Holli	Foster, Lisa	Kiphen, Lisa
Athey, Natasha	Foster, Terry Wayne	Kirkland, William L.
Aziz, Babetta	Frankum, Brian Keith	Klanika, Tina
Bagby, Tina	Frankum, Chance Alan	Koen, Vicki
Banik, Judith M.	Frankum, Susan Elaine	Krick, Angie
Banta, John Paul	Frillou, Lacretria Marie	Krupicka, Kelly M.
Barclay, David	Fulbright, Debbie	Laird, Rebekah
Barclay, Victoria	Gebhardt, Eleanor	Laseter, Shelby
Barton, Amanda	Gebhardt, Gwendalyn	Lee, Mike
Barton, Randy	Gebhardt, Simon	Lehr, Larry L.
Baugh, Chrysti	Gillette, Debbie	Lemons, Robin Tapp
Bays, Honey	Gillette, Matt	Little, Stacey
Beers, Paula K.	Gillette, Sherwood Merrill	Mack, Joy
Bennett, Jennifer	Graham, Shirley	Mann, Mary
Bennett, Jeremy	Griffin, Rodger D.	Markum, Buster
Bordovsky, Wendel	Grill, Nicholas D.	Markum, Michelle Leigh
Bowdoin, Becky	Guest, Thomas Louis	Martinez, Susan
Brock, Doyle	Hand, Brian	McCaghren, Rita Ann
Brown, Linda Kay	Hand, Dawn	McCann, Alice
Caldwell, Candice	Hand, Jordan	McFadden, Shirley
Campbell, Jack	Hand, Norma Jean	McGee, Debra L.
Coggin, Mary Ruth	Harris, Justin	McMillan, Janet Burke
Concerned Citizen	Hawkins, Shane H.	Meier, Pattie M.
Condiet, Tim	Hawkins, Trina	Milner, Cynthia D.
Cooley, James Vernon	Haynes, Trisha	Minchew, Julie
Cortez, Jessica	Hebbe, Zachary Tyler	Minix, Joy Elise
Coryell, Beverly	Hogan, Jenny	Mohlke, Jeremy Lee
Covey, Mellissa	Hogan, Kelly	Montgomery, Eric
Covey, Robert	Hogan, Nicole	Moore, Patricia
Dietiker, Diane	Hollingsworth, Baylee	Moravec, Carol
Dominguez, Rita	Hollingsworth, Lacy Witt	Muhl-Anderson, Bobbie J.
Dulock, Sherry	Hollingsworth, Lynette	Nichols, Amber R.
Duncan, Richard	Honey, Tammy	Nichols, Matt
Dunlap, Cynthia	Horn, Robbie	Nickel, Candace
Dunlap, Joe Wilburn	Horn, Vicki	Omberg, Sherry
Easterling, Melissa Ann	Hromadka, Jennifer	Owens, Jana
Engledow, Kaylee	Hughes, Mike	Parks, Ronnie D.
Evans, Patricia	Hurst, David Harris	Pavelka, Kathey D.
Fields, Jon	Hurst, Helen Jo	Perales, Marisa
Foote, Bridget	Ice, Lauren	Pierce, Jana
	Ivy, Heath	

**Attachment 1**  
The City of Waco, Permit No. 2400  
Persons That Submitted Timely Comments

---

Pierce, Ricky	Shurette, Steven	Trammell, Shannon
Pierce, Vicki Michelle	Skinner, Joellen	Trayler, James
Porter, Darren	Souders, Leslie Gail	Trout, Brenda P.
Porter, Melissa	Stanfield, Ashley	Tucker, Chris Shawn
Proctor, J. R.	Steffek, Julianna L.	Tucker, Jennifer Kay
Pyburn, Stuart Thomas	Stephens, Sunny	Tucker, Ken
Queen, Nancy	Stokes, Benjamin Luke	Tull, Nicole
Radde, Angela	Stokes, Melanie	Vicha, John
Rader, Kathy	Stone, Robert R.	Vicha, Leslie
Reed, Arnold	Stout, Johnny	Weddington, Christine
Reed, David L.	Stout, Margaret	Wegwerth, Rick
Reed, Janet	Stout, Victoria	White, Randelle
Reed, Dixie L.	Stranacher, Desirae	Whitley, Karen
Reyes, Rachel Martin	Stranacher, Michael	Whitley, Kay
Rodgers, Tommy	Strange, Matt B.	Whitley, Mary Jo
Rodgers, Tommy M.	Strock, Shana	Williams, Ben
Rogers, Tamy	Suggs, Kathleen A.	Williams, Trisha
Rowe, Rachel	Sutton, Jennifer	Wilson, Donis Lee
Saucedo, Karen	Swaner, Fred L.	Wilson, Mary
Schnell, Courtney	Swaner, Susan	Wright, Beth
Schulte, Jill	Sykora, Jayni	Young, Robert
Serros, Gina	Tierce, Sharon Kay	Zaborowski, Cary

**Attachment 2**  
**Persons That Requested a Public Meeting**

---

Amy, Stephanie Marie  
Boyett, Alton M.  
Brannen, Julie Michelle  
Engledow, Kaylee  
Ford, Brian Paul  
Ford, Gina  
Friedman, Adam M.  
Graham, Denise  
Green, Angela  
Harris, Mary  
Harris, Phillip Kirk  
Haynes, Vickie  
Howard, Stacy  
Ice, Lauren

Johnson, Suzanne C.  
Klanika, Charles  
Lee, Mike  
Lucien, Kimberly  
Lynch, Katy  
Manning, Christi  
McMillan, Janet Burke  
Nickel, Candace  
Nivin, Cathryne  
Nivin, Ernest Taylor  
Pierce, Ricky  
Pierce, Vicki Michelle  
Porter, Melissa  
Price, Randi

Rigby, Elisabeth  
Rigby, Kathleen J.  
Rigby, Steven  
Roof, Stacy L.  
Serros, Alcario  
Souders, Leslie Gail  
Stefka, David  
Stokes, Benjamin Luke  
Stone, Robert R.  
Swaner, Susan  
Tennison, Keven  
Tierce, Virginia  
Trayler, James  
Weatherby, Brent

### **Attachment 3**

#### **Persons That Provided Formal Oral Comments at the Public Meetings**

---

##### **1<sup>st</sup> Public Meeting (08/15/2019)**

Banta, John Paul  
Condiet, Tim  
Covert, Robert  
Duncan, Richard  
Dunlap, Cynthia  
Dunlap, Joe Wilburn  
Ford, Gina  
Gebhardt, Gwendalyn  
Hollingsworth, Lacey Witt  
Horn, Vicki

Ice, Lauren  
Ivy, Heath  
Kaltenbach, Patrick  
Lee, Mike  
Lehr, Larry L.  
Lemons, Robin Tapp  
Montgomery, Eric  
Moravec, Carol  
Nichols, Matt  
Nickel, Candace  
Perales, Marisa

Porter, Darren  
Porter, Melissa  
Proctor, J. R.  
Rogers, Tommy M.  
Skinner, Joellen  
Souders, Leslie Gail  
Stokes, Benjamin Luke  
Swaner, Susan  
Trayler, James  
Tucker, Ken

##### **2<sup>nd</sup> Public Meeting (09/23/2021)**

Dunlap, Joe Wilburn  
Horn, Robbie  
Ivy, Heath  
Porter, Darren  
Wegwerth, Rick

**Attachment 4**  
**Persons That Requested a Public Hearing**

---

Banik, Judith M.  
Hurst, David Harris  
Johnson, Starla  
Kacal, Representative Kyle  
Kline, Tracy  
Kolosci, Rebecca  
Lehr, Larry L.

McGee, Debra L.  
McMillan, Janet Burke  
Moseley, Julie R.  
Pierce, Jana  
Porter, Melissa  
Price, John H.

Ratliff, Darla  
Schwertner, State Senator  
Charles  
Shurette, Carolyn  
Stone, Curtis  
Stranacher, Danette  
Trayler, James

**Attachment 5**  
**RTC Comment 1**

**Persons in General Opposition or with General Health and Environmental Concerns**

---

Anderson, Alicia	Frankum, Susan Elaine	Pierce, Ricky
Athey, Holli	Frillou, Loretta Marie	Pierce, Vicki Michelle
Aziz, Babetta	Gillette, Debbie	Porter, Darren
Bagby, Tina	Gillette, Sherwood Merrill	Porter, Melissa
Banik, Judith M.	Graham, Shirley	Proctor, J. R.
Banta, John Paul	Griffin, Rodger D.	Rader, Kathy
Barclay, David	Hand, Brian	Reed, David L.
Barclay, Victoria	Hand, Dawn	Reed, Janet
Barton, Amanda	Hand, Jordan	Reyes, Rachel Martin
Baugh, Chrysti	Hawkins, Shane H.	Rodgers, Tommy M.
Bays, Honey	Hogan, Nicole	Rogers, Tamy
Beers, Paula K.	Horn, Robbie	Rowe, Rachel
Bowdoin, Becky	Hurst, David Harris	Saucedo, Karen
Brock, Doyle	Jenkins, Trisha	Schnell, Courtney
Brown, Linda Kay	Kaltenbach, Patrick	Serros, Gina
Caldwell, Candice	King, Cheryl	Shurette, Steven
Campbell, Jack	Kiphen, Lisa	Skinner, Joellen
Coggin, Mary Ruth	Klanika, Tina	Souders, Leslie Gail
Cooley, James Vernon	Krick, Angie	Steffek, Julianna L.
Cortez, Jessica	Krupicka, Kelly M.	Stephens, Sunny
Covey, Mellissa	Lee, Mike	Stokes, Benjamin Luke
Dominguez, Rita	Lemons, Robin Tapp	Stokes, Melanie
Dunlap, Joe Wilburn	Mack, Joy	Strange, Matt B.
Easterling, Melissa Ann	Mann, Mary	Strock, Shana
Engledow, Kaylee	Markum, Buster	Suggs, Kathleen A.
Evans, Patricia	Martinez, Susan	Tierce, Sharon Kay
Fields, Jon	McGee, Debra L.	Trammell, Shannon
Ford, Brian Paul	McMillan, Janet Burke	Trout, Brenda P.
Ford, Gina	Minchew, Julie	Tull, Nicole
Ford, Ryan	Minix, Joy Elise	Vicha, Leslie
Ford, Lauren	Moravec, Carol	White, Randelle
Ford, Alec	Nichols, Matt	Whitley, Karen
Foster, Lisa	Omberg, Sherry	Whitley, Kay
Frankum, Chance Alan	Owens, Jana	Wilson, Mary

**Attachment 6**  
**RTC Comment 2**  
**Persons Concerned about Wildlife and Texas Parks**

---

Andrews, Janice Gravitt  
Athey, Holli  
Bagby, Tina  
Banik, Judith M.  
Barclay, David  
Barclay, Victoria  
Barton, Amanda  
Barton, Randy  
Baugh, Chrysti  
Bays, Honey  
Bennett, Jennifer  
Bordovsky, Wendel  
Bowdoin, Becky  
Brock, Doyle  
Condiet, Tim  
Coryell, Beverly  
Covey, Mellissa  
Covey, Robert  
Dulock, Sherry  
Dunlap, Cynthia  
Dunlap, Joe Wilburn  
Engledow, Kaylee  
Foote, Bridget  
Ford, Brian Paul  
Ford, Gina  
Foster, Terry Wayne  
Frankum, Brian Keith  
Frankum, Susan Elaine  
Gebhardt, Eleanor  
Gebhardt, Gwendalyn  
Gebhardt, Simon  
Gillette, Matt  
Graham, Shirley

Griffin, Rodger D.  
Hand, Brian  
Hand, Dawn  
Hand, Jordan  
Harris, Justin  
Hawkins, Shane H  
Hogan, Jenny  
Hogan, Kelly  
Hollingsworth, Lacy Witt  
Hromadka, Jennifer  
Hurst, David Harris  
Hurst, Helen Jo  
Ivy, Heath  
Johnson, Kassidi  
Kaltenbach, Patrick  
Kipphen, Lisa  
Koen, Vicki  
Krupicka, Kelly M.  
Lee, Mike  
Lemons, Robin Tapp  
Markum, Michelle Leigh  
McCaghren, Rita Ann  
McGee, Debra L.  
Milner, Cynthia D.  
Mohlke, Jeremy Lee  
Moore, Patricia  
Moravec, Carol  
Omberg, Sherry  
Pierce, Ricky  
Pierce, Vicki Michelle  
Proctor, J. R.  
Queen, Nancy

Radde, Angela  
Rader, Kathy  
Reed, Arnold  
Reed, David L.  
Reed, Janet  
Reyes, Rachel Martin  
Rodgers, Tommy M.  
Rogers, Tamy  
Rowe, Rachel  
Serros, Gina  
Skinner, Joellen  
Steffek, Julianna L.  
Stokes, Benjamin Luke  
Stout, Johnny  
Stout, Margaret  
Stout, Victoria  
Stranacher, Desirae  
Stranacher, Michael  
Strock, Shana  
Suggs, Kathleen A.  
Sutton, Jennifer  
Swaner, Susan  
Trammell, Shannon  
Tucker, Jennifer Kay  
Tucker, Ken  
Vicha, Leslie  
Weddington, Christine  
White, Randelle  
Whitley, Kay  
Williams, Ben  
Williams, Trisha  
Wilson, Mary  
Zaborowski, Cary



**Attachment 7**  
**RTC Comment 3**  
**Persons Concerned about Farming**

---

Athey, Natasha  
Barton, Amanda  
Bays, Honey  
Bowdoin, Becky  
Caldwell, Candice  
Cortez, Jessica  
Dominguez, Rita  
Engledow, Kaylee  
Ford, Brian Paul  
Ford, Gina  
Ford, Ryan  
Ford, Lauren  
Ford, Alec  
Fulbright, Debbie  
Hand, Brian

Hand, Dawn  
Hand, Jordan  
Hawkins, Shane H.  
Hawkins, Trina  
Hollingsworth, Lacy Witt  
Horn, Robbie  
Horn, Vicki  
Hromadka, Jennifer  
Ivy, Heath  
Kaltenbach, Patrick  
McMillan, Janet Burke  
Moravec, Carol  
Omberg, Sherry  
Pierce, Jana  
Pierce, Ricky  
Pierce, Vicki Michelle

Proctor, J. R.  
Pyburn, Stuart Thomas  
Reed, David L.  
Reyes, Rachel Martin  
Saucedo, Karen  
Serros, Gina  
Stranacher, Desirae  
Strange, Matt B.  
Sutton, Jennifer  
Trout, Brenda P.  
Tucker, Chris Shawn  
Whitley, Karen  
Whitley, Kay  
Williams, Ben  
Zaborowski, Cary

**Attachment 8**  
RTC Comment 4  
Persons Concerned about Air Quality and Emissions

---

Andrews, Janice Gravitt  
Banta, John Paul  
Barton, Amanda  
Bowdoin, Becky  
Cortez, Jessica  
Ford, Brian Paul  
Ford, Gina  
Ford, Ryan  
Ford, Lauren  
Ford, Alec

Frankum, Susan Elaine  
Gillette, Sherwood Merrill  
Harris, Justin  
Hawkins, Shane H.  
Haynes, Trisha  
Hogan, Nicole  
Horn, Robbie  
Lee, Mike  
McMillan, Janet Burke

Moore, Patricia  
Omberg, Sherry  
Pierce, Jana  
Pyburn, Stuart Thomas  
Reed, David L.  
Stranacher, Desirae  
Stranacher, Michael  
Trout, Brenda P.  
Vicha, Leslie  
Zaborowski, Cary

**Attachment 9**  
**RTC Comment 5**  
**Persons Concerned about Impacts to Groundwater**

---

Alexander, Shana M.	Gebhardt, Eleanor	Moore, Patricia
Athey, Holli	Gebhardt, Gwendalyn	Pierce, Jana
Bagby, Tina	Gebhardt, Simon	Porter, Melissa
Banta, John Paul	Guest, Thomas Louis	Proctor, J. R.
Barton, Amanda	Hand, Brian	Pyburn, Stuart Thomas
Barton, Randy	Hand, Dawn	Queen, Nancy
Baugh, Chrysti	Hand, Jordan	Rader, Kathy
Bays, Honey	Hawkins, Shane H.	Reed, David L.
Bordovsky, Wendel	Hollingsworth, Lacy Witt	Reed, Janet
Caldwell, Candice	Hogan, Jenny	Reyes, Rachel Martin
Campbell, Jack	Horn, Robbie	Rowe, Rachel
Condiet, Tim	Hurst, Helen Jo	Skinner, Joellen
Coryell, Beverly	Ice, Lauren	Stokes, Benjamin Luke
Covey, Mellissa	Kipphen, Lisa	Stout, Johnny
Covey, Robert	Klanika, Tina	Stout, Margaret
Dulock, Sherry	Koen, Vicki	Stout, Victoria
Foote, Bridget	Krick, Angie	Strange, Matt B.
Ford, Brian Paul	Krupicka, Kelly M.	Strock, Shana
Ford, Gina	Lee, Mike	Trout, Brenda P.
Ford, Ryan	Lemons, Robin	Tucker, Chris Shawn
Ford, Lauren	McCaghren, Rita Ann	Vicha, Leslie
Ford, Alec	McGee, Debra L.	Weddington, Christine
Frankum, Brian Keith	McMillan, Janet Burke	White, Randelle
Frankum, Chance Alan	Milner, Cynthia D.	Williams, Ben
Frankum, Susan Elaine	Mohlke, Jeremy Lee	Zaborowski, Cary

**Attachment 10**  
RTC Comment 6  
Persons with Surface Water Quality Concerns

---

Alexander, Shanna M.  
Bagby, Tina  
Barton, Randy  
Baugh, Chrysti  
Bays, Honey  
Bordovsky, Wendel  
Foote, Bridget  
Ford, Brian Paul  
Ford, Gina  
Foster, Terry Wayne  
Frankum, Chance Alan  
Fulbright, Debbie  
Hand, Brian  
Hand, Dawn  
Hand, Jordan

Hawkins, Shane H.  
Hogan, Jenny  
Horn, Robbie  
Hurst, Helen Jo  
Ice, Lauren  
Krick, Angie  
Laseter, Shelby  
Lee, Mike  
Lemons, Robin Tapp  
McCaghren, Rita Ann  
McMillan, Janet Burke  
Moore, Patricia  
Pierce, Jana  
Porter, Darren  
Porter, Melissa  
Proctor, J. R.

Pyburn, Stuart Thomas  
Queen, Nancy  
Rader, Kathy  
Reed, David L.  
Reed, Janet  
Reyes, Rachel Martin  
Skinner, Joellen  
Stokes, Benjamin Luke  
Stranacher, Michael  
Strange, Matt B.  
Trout, Brenda P.  
Tucker, Jennifer Kay  
Vicha, Leslie  
Whitley, Karen  
Zaborowski, Cary

**Attachment 11**  
RTC Comment 7  
Persons Concerned about Flooding

---

Banta, John Paul  
Barton, Amanda  
Bowdoin, Becky  
Coggin, Mary Ruth  
Covey, Mellissa  
Covey, Robert  
Dulock, Sherry  
Dunlap, Cynthia  
Engledow, Kaylee  
Ford, Brian Paul  
Ford, Gina  
Guest, Thomas Louis  
Hand, Dawn  
Hand, Jordan

Harris, Justin  
Hawkins, Shane H.  
Hollingsworth, Lacy Witt  
Hromadka, Jennifer  
Hughes, Mike  
Ice, Lauren  
Ivy, Heath  
Lee, Mike  
Lehr, Larry L.  
Moravec, Carol  
Perales, Marisa  
Pierce, Ricky  
Pierce, Vicki Michelle

Porter, Darren  
Porter, Melissa  
Proctor, J. R.  
Radde, Angela  
Reed, David L.  
Reed, Janet  
Reyes, Rachel Martin  
Stokes, Benjamin Luke  
Trammell, Shannon  
Trayler, James  
Trout, Brenda P.  
Weddington, Christine  
Wegwerth, Rick  
Wilson, Donis Lee

**Attachment 12**  
RTC Comment 8  
Persons Concerned about Geological Stability

---

Covey, Melissa  
Covey, Robert  
Dulock, Sherry

Hand, Jordan  
Hollingsworth, Lacy Witt

Porter, Melissa  
Weddington, Christine  
White, Randelle

**Attachment 13**  
**RTC Comment 9**  
**Persons Concerned about Land Use Compatibility**

---

Allen, Rebecca Williams  
Bennett, Jennifer  
Bowdoin, Becky  
Caldwell, Candice  
Condiott, Tim  
Dunlap, Cynthia  
Dunlap, Joe Wilburn  
Engledow, Kaylee  
Ford, Brian Paul  
Ford, Gina  
Foster, Lisa  
Frankum, Susan Elaine  
Gillette, Debbie  
Gillette, Sherwood Merrill  
Graham, Shirley  
Harris, Justin  
Hawkins, Trina  
Hogan, Kelly

Hollingsworth, Lacy Witt  
Horn, Robbie  
Hromadka, Jennifer  
Hurst, David Harris  
Hurst, Helen Jo  
Ice, Lauren  
Johnson, Starla  
Kirkland, William L.  
Laseter, Shelby  
Lee, Mike  
Lemons, Robin Tapp  
Mann, Mary  
Markum, Michelle Leigh  
McCaghren, Rita Ann  
Meier, Pattie M.  
Moravec, Carol  
Perales, Marisa

Pierce, Jana  
Pierce, Ricky  
Pierce, Vicki Michelle  
Porter, Darren  
Proctor, J. R.  
Queen, Nancy  
Reed, Janet  
Schulte, Jill  
Souders, Leslie Gail  
Strock, Shana  
Suggs, Kathleen A.  
Sutton, Jennifer  
Tucker, Chris Shawn  
Weddington, Christine  
Whitley, Kay  
Whitley, Mary Jo  
Williams, Ben  
Zaborowski, Cary

**Attachment 14**  
**RTC Comment 10**  
**Persons with Location Concerns**

---

Allen, Rebecca Williams  
Andrews, Janice Gravitt  
Athey, Natasha  
Banta, John Paul  
Barclay, David  
Barton, Randy  
Baugh, Chrysti  
Bays, Honey  
Beers, Paula K.  
Bennett, Jennifer  
Brock, Doyle  
Campbell, Jack  
Coryell, Beverly  
Covey, Robert  
Dietiker, Diane  
Dulock, Sherry  
Dunlap, Cynthia  
Dunlap, Joe Wilburn  
Easterling, Melissa Ann  
Engledow, Kaylee  
Evans, Patricia  
Foster, Lisa  
Gebhardt, Eleanor  
Gebhardt, Gwendalyn  
Gebhardt, Simon

Gillette, Debbie  
Gillette, Matt  
Gillette, Sherwood Merrill  
Grill, Nicholas D.  
Hand, Norma Jean  
Hawkins, Trina  
Hogan, Nicole  
Hollingsworth, Baylee  
Hollingsworth, Lacy Witt  
Horn, Robbie  
Horn, Vicki  
Hughes, Mike  
Jenkins, Trisha  
Johnson, Kassidi  
Kirkland, William L.  
Krick, Angie  
Laird, Rebekah  
Laseter, Shelby  
Lee, Mike  
Lemons, Robin Tapp  
Mack, Joy  
McCaghren, Rita Ann  
McMillan, Janet Burke  
Minchew, Julie  
Nichols, Matt

Nichols, Amber R.  
Omberg, Sherry  
Parks, Ronnie D.  
Pavelka, Kathey D.  
Pierce, Ricky  
Pierce, Vicki Michelle  
Porter, Darren  
Porter, Melissa  
Radde, Angela  
Reed, David L.  
Reed, Janet  
Rodgers, Tommy  
Rodgers, Tommy M.  
Schulte, Jill  
Skinner, Joellen  
Souders, Leslie Gail  
Stout, Johnny  
Stout, Margaret  
Stout, Victoria  
Swaner, Susan  
Sykora, Jayni  
Vicha, John  
Wegwerth, Rick  
White, Randelle  
Williams, Ben



**Attachment 15**  
RTC Comment 11  
Persons Concerned about Necessity

---

Banik, Judith M.  
Honey, Tammy  
Jenkins, Trisha  
Mann, Mary

McCaghren, Rita Ann  
Milner, Cynthia D.  
Pierce, Ricky  
Pierce, Vicki Michelle  
Reed, David L.

Reed, Janet  
Rodgers, Tommy  
Rodgers, Tommy M.  
Swaner, Susan

**Attachment 16**  
RTC Comment 12  
Persons Concerned about Recycling

---

Andrews, Janice Gravitt  
Barton, Amanda

Dietiker, Diane

Stokes, Melanie  
Zaborowski, Cary

**Attachment 17**  
RTC Comment 13  
Persons Concerned about Landfill Cover

---

Trayler, James

**Attachment 18**  
RTC Comment 14  
Persons Concerned about Buffer Zone

---

Dunlap, Joe Wilburn  
Engledow, Kaylee  
Ford, Brian Paul  
Ford, Gina

Hand, Dawn  
Hand, Jordan  
Ivy, Heath

Lee, Mike  
Pierce, Ricky  
Pierce, Vicki Michelle  
Rodgers, Tommy M.

**Attachment 19**  
RTC Comment 15  
Persons with Easement Concerns

---

Bordovsky, Wendel  
Hand, Dawn

Hand, Jordan

Hollingsworth, Lacy Witt  
Lehr, Larry L.

**Attachment 20**  
RTC Comment 16  
Persons with Land Ownership Concerns

---

Barton, Randi

**Attachment 21**  
RTC Comment 17  
Persons Concerned about Fire Department Services and Emergency Response

---

Allgood, Melissa Rena  
Covey, Robert  
Engledow, Kaylee

Klanika, Tina  
Montgomery, Eric  
Pierce, Ricky  
Pierce, Vicki Michelle

Rader, Kathy  
Skinner, Joellen  
Strock, Shana

**Attachment 22**  
**RTC Comment 18**  
**Persons Concerned about Traffic Impacts and Traffic Safety**

---

Alexander, Shanna M.	Gebhardt, Gwendalyn	Pyburn, Stuart Thomas
Allgood, Melissa Rena	Gebhardt, Simon	Queen, Nancy
Athey, Holli	Graham, Shirley	Radde, Angela
Aziz, Babetta	Guest, Thomas Louis	Rader, Kathy
Banta, John Paul	Hand, Brian	Reed, Arnold
Barton, Amanda	Hand, Dawn	Reed, David L.
Baugh, Chrysti	Hand, Jordan	Reed, Janet
Beers, Paula K.	Hawkins, Trina	Rodgers, Tommy M.
Bennett, Jennifer	Hogan, Kelly	Saucedo, Karen
Bowdoin, Becky	Hogan, Nicole	Schulte, Jill
Brock, Doyle	Hollingsworth, Lacy Witt	Skinner, Joellen
Campbell, Jack	Hromadka, Jennifer	Souders, Leslie Gail
Coryell, Beverly	Hurst, Helen Jo	Steffek, Julianna L.
Covey, Mellissa	Klanika, Tina	Stout, Johnny
Covey, Robert	Krupicka, Kelly M.	Stout, Margaret
Dunlap, Cynthia	Lee, Mike	Stout, Victoria
Dunlap, Joe Wilburn	Lemons, Robin Tapp	Strock, Shana
Easterling, Melissa Ann	McCaghren, Rita Ann	Sutton, Jennifer
Engledow, Kaylee	McFadden, Shirley	Sykora, Jayni
Evans, Patricia	McMillan, Janet Burke	Tierce, Sharon Kay
Ford, Brian Paul	Milner, Cynthia D.	Tucker, Chris Shawn
Ford, Gina	Minchew, Julie	Weddington, Christine
Ford, Ryan	Minix, Joy Elise	Whitley, Karen
Ford, Lauren	Moore, Patricia	Whitley, Kay
Ford, Alec	Moravec, Carol	Whitley, Mary Jo
Frankum, Brian Keith	Pierce, Ricky	Williams, Ben
Frankum, Susan Elaine	Pierce, Vicki Michelle	Williams, Trisha
Fulbright, Debbie	Porter, Darren	Wilson, Donis Lee
Gebhardt, Eleanor	Porter, Melissa	Zaborowski, Cary
	Proctor, J. R.	



**Attachment 23**  
**RTC Comment 19**  
**Persons Concerned about Visual Impacts**

---

Alexander, Shanna M.  
Allen, Rebecca Williams  
Andrews, Janice Gravitt  
Aziz, Babetta  
Banik, Judith M.  
Barton, Randy  
Cooley, James Vernon  
Coryell, Beverly  
Dulock, Sherry  
Dunlap, Joe Wilburn  
Ford, Brian Paul  
Ford, Gina  
Gebhardt, Eleanor  
Gebhardt, Gwendalyn  
Gebhardt, Simon  
Gillette, Matt  
Hand, Brian

Hand, Dawn  
Hand, Jordan  
Hawkins, Trina  
Haynes, Trisha  
Hurst, David Harris  
Ivy, Heath  
Kiphen, Lisa  
Lee, Mike  
Lemons, Robin Tapp  
Markum, Buster  
Markum, Michelle Leigh  
McFadden, Shirley  
Minchew, Julie  
Minix, Joy Elise  
Nichols, Matt  
Nichols, Amber R.

Pierce, Jana  
Reed, Arnold  
Reed, David L.  
Reed, Janet  
Rodgers, Tommy M.  
Schulte, Jill  
Souders, Leslie Gail  
Stout, Johnny  
Stout, Margaret  
Stout, Victoria  
Suggs, Kathleen A.  
Sutton, Jennifer  
Trayler, James  
Tucker, Jennifer Kay  
Wilson, Mary  
Wright, Beth  
Zaborowski, Cary

**Attachment 24**  
RTC Comment 20  
Persons Concerned about Windblown Waste and Litter Control

---

Cortez, Jessica  
Dunlap, Joe Wilburn  
Gebhardt, Gwendalyn  
Gillette, Matt  
Hand, Brian

Hand, Dawn  
Hand, Jordan  
Ivy, Heath  
Lee, Mike

Lemons, Robin  
Minchew, Julie  
Skinner, Joellen  
Souders, Leslie Gail  
Strange, Matt B

**Attachment 25**  
**RTC Comment 21**  
**Persons Concerned about Vector Control**

---

Alexander, Shanna M.  
Bowdoin, Becky  
Caldwell, Candice  
Covey, Mellissa  
Covey, Robert  
Dunlap, Cynthia  
Engledow, Kaylee

Ford, Brian Paul  
Ford, Gina  
Foster, Terry Wayne  
Graham, Shirley  
Ivy, Heath  
Lee, Mike

Mohlke, Jeremy Lee  
Pierce, Ricky  
Pierce, Vicki Michelle  
Porter, Darren  
Radde, Angela  
Rader, Kathy  
Strock, Shana

**Attachment 26**  
**RTC Comment 22**  
**Persons Concerned about Odor**

---

Aziz, Babetta	Gebhardt, Eleanor	Minix, Joy Elise
Bowdoin, Becky	Gebhardt, Gwendalyn	Nichols, Matt
Caldwell, Candice	Gebhardt, Simon	Nichols, Amber R.
Cooley, James Vernon	Gillette, Debbie	Pierce, Ricky
Cortez, Jessica	Hand, Jordan	Pierce, Vicki Michelle
Coryell, Beverly	Haynes, Trisha	Porter, Darren
Dunlap, Cynthia	Hogan, Nicole	Rader, Kathy
Dunlap, Joe Wilburn	Honey, Tammy	Reed, Janet
Easterling, Melissa Ann	Krick, Angie	Stout, Johnny
Engledow, Kaylee	Lee, Mike	Stout, Margaret
Ford, Brian Paul	Lemons, Robin Tapp	Stout, Victoria
Ford, Gina	McFadden, Shirley	Tucker, Chris Shawn
Foster, Terry Wayne	McGee, Debra L.	Weddington, Christine

**Attachment 27**  
**RTC Comment 23**  
**Persons Concerned about Noise and Operating Hours**

---

Barton, Amanda	Gebhardt, Eleanor	Reed, David L.
Coryell, Beverly	Gebhardt, Gwendalyn	Reed, Janet
Dunlap, Cynthia	Gebhardt, Simon	Rodgers, Tommy M.
Dunlap, Joe Wilburn	Krick, Angie	Stout, Johnny
Engledow, Kaylee	Lee, Mike	Stout, Margaret
Ford, Brian Paul	Lemons, Robin Tapp	Stout, Victoria
Ford, Gina	McFadden, Shirley	Strock, Shana
Ford, Ryan	McGee, Debra L.	Tucker, Chris Shawn
Ford, Lauren	Pierce, Ricky	Williams, Ben
Ford, Alec	Pierce, Vicki Michelle	Zaborowski, Cary
	Porter, Darren	

**Attachment 28**  
**RTC Comment 24**  
**Persons Concerned about Recreation**

---

Allgood, Melissa Rena	Ford, Lauren	Proctor, J. R.
Barclay, Victoria	Ford, Alec	Reed, David L.
Caldwell, Candice	Gebhardt, Eleanor	Reyes, Rachel Martin
Coryell, Beverly	Gebhardt, Gwendalyn	Stout, Johnny
Ford, Brian Paul	Gebhardt, Simon	Stout, Margaret
Ford, Gina	Lee, Mike	Stout, Victoria
Ford, Ryan	Lemons, Robin Tapp	Trout, Brenda P.
	Mann, Mary	

**Attachment 29**

**RTC Comment 25**

**Persons Concerned about Property Values, Taxes, and Local Economy**

---

Baugh, Chrysti	Hand, Dawn	Pierce, Jana
Bennett, Jennifer	Harris, Justin	Pyburn, Stuart Thomas
Brown, Linda Kay	Haynes, Trisha	Porter, Darren
Caldwell, Candice	Kaltenbach, Patrick	Proctor, J. R.
Dominguez, Rita	Krick, Angie	Rader, Kathy
Duncan, Richard	Laseter, Shelby	Reed, David L.
Dunlap, Joe Wilburn	Lee, Mike	Reed, Janet
Ford, Brian Paul	Lehr, Larry L.	Schnell, Courtney
Ford, Gina	McCann, Alice	Tierce, Sharon Kay
Hand, Brian	Minix, Joy Elise	Zaborowski, Cary
	Nichols, Amber	

**Attachment 30**  
RTC Comment 26  
Persons Concerned about Livelihood

---

Condiet, Tim  
Ford, Brian Paul  
Ford, Gina  
Ford, Lauren  
Ford, Alec

Ford, Ryan  
Hand, Brian  
Hand, Dawn  
Hand, Jordan  
Hollingsworth, Lacy Witt  
Ivy, Heath

Lee, Mike  
Minix, Joy Elise  
Nichols, Amber R.  
Nichols, Matt  
Porter, Melissa



**Attachment 31**  
RTC Comment 27  
Persons Concerned about Cost to Waco Residents

---

Baugh, Chrysti  
Hand, Brian

Reed, David L.  
Strock, Shana

Sykora, Jayni  
Williams, Ben

**Attachment 32**  
RTC Comment 28  
Persons Concerned about Environmental Justice

---

Ford, Brian Paul

Ford, Gina

Gillette, Sherwood Merrill

Hebbe, Zachary Tyler

Lee, Mike

Rodger, Tommy M.

Skinner, Joellen

Stokes, Melanie

**Attachment 33**  
RTC Comment 29  
Persons In Favor/Supporting Permit

---

Concerned Citizen

**Attachment 34**  
RTC Comment 30  
Persons Concerned about Compliance History

---

Easterling, Melissa Ann  
Horn, Robbie  
Horn, Vicki

Ivy, Heath  
Pierce, Ricky  
Pierce, Vicki Michelle

Pyburn, Stuart Thomas  
Reed, David L.  
Skinner, Joellen

**Attachment 35**

**RTC Comment 31**

**Persons That Submitted Comments Specific to City of Waco**

---

Barclay, David	Gebhardt, Gwendalyn	Pierce, Vicki Michelle
Beers, Paula K.	Gebhardt, Simon	Porter, Darren
Bordovsky, Wendel	Guest, Thomas Louis	Reed, David L.
Coryell, Beverly	Hand, Jordan	Reed, Janet
Dietiker, Diane	Horn, Robbie	Rodgers, Tommy M.
Duncan, Richard	Ivy, Heath	Serros, Gina
Dunlap, Cynthia	Krick, Angie	Stout, Johnny
Engledow, Kaylee	Lee, Mike	Stout, Margaret
Fields, Jon	McMillan, Janet Burke	Stout, Victoria
Ford, Brian Paul	Owens, Jana	Swaner, Susan
Ford, Gina	Pavelka, Kathey D.	Weddington, Christine
Gebhardt, Eleanor	Pierce, Ricky	

**Attachment 36**  
**RTC Comment 32**  
**Persons with County Ordinance Concerns**

---

Hollingsworth, Lacy Witt  
Ice, Lauren

McCaghren, Rita Ann  
Perales, Marisa

Porter, Darren  
Swaner, Fred L