

**SOAH DOCKET NO. 582-15-2082
TCEQ DOCKET NO. 2015-0069-MSW**

APPLICATION OF 130	§	BEFORE THE STATE OFFICE
ENVIRONMENTAL PARK, LLC	§	OF
FOR PROPOSED PERMIT NO.	§	ADMINISTRATIVE HEARINGS
2383	§	

**MOTION TO REOPEN THE RECORD FOR ADMISSION OF AFFIDAVIT OF
PATTON SPENCER KING**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES KERRIE JO
QUALTROUGH AND CASEY BELL:

COME NOW Protestants TJFA, L.P. and Environmental Protection in the Interest of Caldwell County (collectively, "Protestants") and file this Motion to Reopen the Record for Admission of Affidavit of Patton Spencer King. For support, Protestants respectfully show the following:

On October 25, 2016, the Texas Commission on Environmental Quality held a public meeting for the proposed Pintail Landfill (MSW Permit No. 2391). The proposed Pintail and 130 Environmental Park landfills are both owned and operated by the same parent company, Green Group Holdings, LLC. A large portion of Protestants' arguments in this proceeding has centered on the competency of Green Group Holdings to operate its landfill in accordance with TCEQ rules. Patton King, a member of EPICC who testified at the hearing on the merits, attended the public meeting for the proposed Pintail Landfill, where Green Group Holdings' representatives confirmed the resignation of former President Ernest Kaufmann. Mr. King prepared the attached affidavit, which recounts the admissions made by representatives of Green Group Holdings during the October 25 TCEQ public meeting.

Counsel for Protestants has contacted all parties of record with the exception of Ben Pesl, who could not be reached and did not participate in the hearing on the merits. Of the remaining parties, TCEQ, OPIC, Caldwell County, and Plum Creek Conservation District do not oppose this motion; Applicant has not provided a response as of the filing of this motion.

PRAYER

Protestants respectfully request that this affidavit be admitted for consideration by the ALJs as Exhibit P-46.

Respectfully submitted,



Marisa Perales
State Bar No: 24002750

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COUNSEL FOR PROTESTANTS

CERTIFICATE OF CONFERENCE

Pursuant to SOAH rule 155.305(b)(2), I certify that I attempted to confer with counsel for 130 Environmental Park, LLC about the foregoing Motion to Reopen the Record. As of this filing Mr. Ryan has not yet responded. All other parties are not opposed to this motion.



Marisa Perales

CERTIFICATE OF SERVICE

By my signature, below, I hereby certify that a true and correct copy of the foregoing document has been served on the following attorneys of record by electronic mail, facsimile, or US Mail on this 28th day of November, 2016.



Marisa Perales

**FOR 130 ENVIRONMENTAL
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**FOR PLUM CREEK
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Ben Pesl
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VIA US MAIL

Attachment A

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APPLICATION OF 130	§	BEFORE THE STATE OFFICE
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AFFIDAVIT OF PATTON SPENCER KING

STATE OF TEXAS	§
	§
COUNTY OF CALDWELL	§

BEFORE ME, the undersigned Notary Public on this day, personally appeared Patton King, known to me to be the person whose name is subscribed hereto, and after being duly sworn on his oath stated the following:

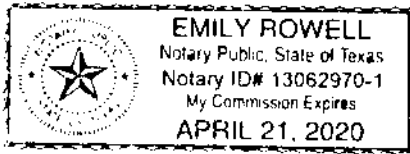
1. My name is Patton Spencer King. I am over eighteen (18) years of age and of sound mind, have never been convicted of a felony, and am otherwise competent to make this affidavit.
2. My family owns property in Caldwell County within ½ mile of the proposed landfill site. On March 26, 2015, my family was granted party status in this contested case hearing as the King Family Trust.
3. I have been a member of Environmental Protection in the Interest of Caldwell County (EPICC) since its inception and I have personal knowledge of the facts stated within this affidavit, all of which are true and correct. EPICC has spent many hours researching Green Group Holdings, 130 Environmental Park and its associated companies.
4. On October 25, 2016, I attended the TCEQ public meeting for the proposed Pintail Landfill (proposed MSW Permit No. 2391) at the Hempstead High School Auditorium in Hempstead, Texas. I attended this meeting from 7:00pm to 11:00pm.
5. During the public meeting, David Green, Vice President of Green Group Holdings, LLC, stated that Ernest Kaufmann had retired from the company and that he, David Green, is the new President of Green Group Holdings. Mr. Green further stated that Ernest Kaufmann no longer has any authority with Green Group Holdings or with its affiliated entities, including the Pintail landfill. This information was asserted before legal counsel and representatives for the TCEQ Executive Director.

FURTHER AFFIANT SAYETH NOT.



Patton King

SUBSCRIBED AND SWORN TO BEFORE ME this 25 day of November 2016.





Notary Public, State of Texas

My Commission Expires:

April 21, 2020