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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution.

October 5, 2015

Mr. Ernest Kaufmann
Manager, Pintail Landfill, LLC
President, Green Group Holdings, LLC
P.O. Box 969
Hempstead, Texas 77445

Re: Proposed Pintail Landfill – Waller County
Municipal Solid Waste (MSW) – Permit Application No. 2377

Dear Mr. Kaufmann:

As you are aware, the Administrative Law Judges (ALJs) have remanded Pintail's application back to the Executive Director. After significant deliberation and based on the reasons set forth below, the Executive Director is now returning the application to you.

Over the last four years, the agency has worked closely with your consultants to ensure that the technical portion of the application meets all necessary requirements. Specifically, the TCEQ staff has spent over 1,300 hours reviewing the Pintail application and found over 400 instances of deficiencies, resulting in four formal written notices of technical deficiencies. All of these were then addressed before the draft permit was prepared. Despite this significant effort, the application is still deficient. Elevated seasonal high water levels have been discovered at the proposed landfill site, substantially affecting the basis under which the draft permit was prepared.

After this discovery, Pintail advised the parties in its July 22, 2015 Motion for Continuance and Stay that the information contained in its application regarding the seasonal high water levels is no longer accurate. Pintail noted that these water levels affect significant aspects of the landfill design and that changes that will need to be made to the permit application affect nearly every aspect of the application. Importantly, Pintail also acknowledged that the permit application no longer meets TCEQ's municipal solid waste rules.

For the integrity of the municipal solid waste landfill program, this is not where we want to be at this point in the process. The application has already undergone extensive technical review, a draft permit has been prepared and the matter has been referred to the State Office of Administrative Hearings. It is at this point that momentous site information is discovered which significantly alters the approach to the design of the facility. Based on these facts, we do not think an application amendment is appropriate and the only reasonable course available is to return the application as deficient.

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If you would like to make arrangements to pick up your application file, you may contact Mr. Chance Goodin of the Municipal Solid Waste Program at 512-239-6335.

Sincerely,



Earl Lott, Director
Waste Permits Division
Texas Commission on Environmental Quality

EL/mc

cc: Mr. Kenneth J. Welch, P.E., Biggs & Mathews Environmental, Mansfield
Mr. Brent W. Ryan, McElroy, Sullivan & Miller, L.L.P., Austin