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Judges find serious deficiencies in proposed landfill

SEGUIN, Texas – A recommendation from Administrative Law Judges (ALJs) on whether a proposed Guadalupe County landfill should be permitted by Texas Commission on Environmental Quality (TCEQ) was just released. The 118 page document thoroughly analyzes the evidence presented by Post Oak Green Clean Inc., TCEQ and the opposing parties which include the City of Seguin, the City of Schertz, the Schertz-Seguin Local Government Corporation (SSLGC), Guadalupe County, the Guadalupe County Groundwater Conservation District and SPOD.

“The judges identified numerous deficiencies in the application by Post Oak that justify denial of the permit. SSLGC will continue to oppose the proposed landfill that threatens our water supply,” said Alan Cockerell, SSLGC Director.

The judges were tasked with deciding whether the proposed landfill’s application satisfied state laws regarding Municipal Solid Waste sites. The judges agree with the opposing parties about numerous and serious threats posed by the proposed site including the contamination risk of being located on top of our water source, the Carrizo-Wilcox Aquifer, and its proximity to the Seguin Auxiliary Airfield where increased bird strike hazards could affect operations of Randolph Air Force base training programs.

“The proposed landfill poses avoidable and unnecessary risks to the water supply and the Texans who depend on that water, and to the USAF personnel, planes and \$49 billion annual contribution to the San Antonio and Texas economies. Undoubtedly TCEQ would be justified in denying the Post Oak application for this location and we will continue to oppose this permit,” said Betsy Johnson, Davidson Troilo Ream & Garza, PC.

The ALJs' decision outlined nine modifications that TCEQ should require Post Oak Green Clean, Inc. to address before getting a permit to begin construction of the landfill and operations. Major changes recommended to the permit include:

1. Updated groundwater monitoring data should be collected and presented to the TCEQ Executive Director to show any changes in the water level at the site. The application's data may not accurately show the highest seasonal water level due to the 2011 drought and subsequent high rainfall years.
2. All abandoned oil and gas wells at the site must be capped and plugged. The Railroad Commission strongly opposed the permit due to the 70 oil and gas wells within 500 feet of the site (42 are within the site). The Railroad Commission should inspect and certify that this was done properly and notify TCEQ 30 days before construction.
3. The landfill owner must consult with officials at Randolph Air Force Base to resolve any issues (bird strikes) that could affect operations at the Seguin Auxiliary Airfield. No construction should begin until these concerns are addressed and approved by the USAF commander.

The next step will be for both legal teams to submit briefs stating exceptions to the Judges' Proposal for Decision. The TCEQ Commission is expected to hold a permit hearing later this year where they will ultimately vote whether to permit Post Oak's proposed landfill. Commission members could choose to deny the permit outright based on the application's deficiencies, approve it pending the judge's modifications, offer new or revised modifications, or just approve the permit without any modifications. The TCEQ meeting will be open to the public and will the date will be announced a few weeks before.

"The judges found serious deficiencies sufficient to deny the permit. They also provided the Commission with their best recommendations under current law for additional requirements to safeguard human health and the environment if the commission is inclined to grant the permit despite its many problems," said Johnson.

The City of Seguin and SSLGC will continue to pursue any available avenues to protect our aquifer from contamination. ###