

December 1, 2016

Ms. Bridget C. Bohac
Chief Clerk (MC-105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

The Honorable Bryan Shaw
Chairman, Texas Commission on Environmental Quality
P.O. Box 13087
MC 100
Austin, Texas 78711-3087

The Honorable Toby Baker
Commissioner, Texas Commission on Environmental Quality
P.O. Box 13087
MC 100
Austin, Texas 78711-3087

The Honorable Jon Niermann
Commissioner, Texas Commission on Environmental Quality
P.O. Box 13087
MC 100
Austin, Texas 78711-3087

Mr. Richard Hyde
Executive Director (MC 109)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Dear Ms. Bohac, Chairman, Commissioners, and Mr. Hyde:

Re: New Hazardous Waste Landfill Facility Permit Application No. 50407, Altair Disposal Services, LLC/Clean Harbors

The Lower Colorado River Basin Coalition is a growing coalition of organizations, communities, businesses and others united by our mutual interests in the health of the lower Colorado River basin. The below-named members of the Coalition leadership express our strong opposition to the proposed Hazardous Waste Landfill Facility Permit Application No. 50407, by Altair Disposal Services, LLC to dispose of waste from Clean Harbors, Inc. because of potential adverse impacts to the lower Colorado River watershed and the associated shallow Colorado River aquifer, the Gulf Coast Aquifer, and additional lands, businesses and industry that rely on water from the Colorado River.

The proposed site for the hazardous waste disposal facility is within an ancient fluvial system of the Colorado River where abundant sand and gravel has been deposited by river flows and from

which said sand and gravel has been mined in every direction from the proposed facility for over half a century. It is the nature of stratigraphic layers of this type to be highly porous and permeable. The groundwater that flows through these sand and gravel layers also serves as a potential source of water for livestock, rural households, the town of Altair, Forest Oak Water Supply Corporation and Rice Consolidated Independent School District, all located in the immediate vicinity of the landfill. In addition, the Lower Colorado River Authority in-takes on the Colorado River for the Lakeside and Garwood Irrigation Districts are immediately downstream of the proposed hazardous waste site. The lower Colorado River basin has experienced four severe flood events since May of 2015, further heightening concerns in an area that receives close to 50" rainfall on average.

In addition to concerns about the proposed location, we also have further issues with the technical aspects of the permit application including storm water containment and routing, leachate collection, transport and spills management along the river corridor, inadequate proposed construction and management of impervious liner, number and testing requirements of monitoring wells particularly testing inside the liner, that do not ensure adequate protection of groundwater or the Colorado River and the creeks and tributaries that feed it.

All of these concerns highlight that this is the wrong location for a hazardous waste disposal site, and we note a hazardous waste disposal facility has been previously proposed at this location and was not approved by the Commission. The following signed leadership of the steering committee of the Lower Colorado River Basin Coalition respectfully ask the Commission to reject the permit in order to protect the long-term health and vitality of the groundwater and the Colorado River and Matagorda Bay.

Respectfully submitted,

Kirby Brown, Chairman, Lower Colorado River Basin Coalition
Robby Cook, Co-Chairman, Lower Colorado River Basin Coalition
Robert Howard, Secretary, Lower Colorado River Basin Coalition
Mitch Thames, Treasurer, Lower Colorado River Basin Coalition
Steering Committee Signees:
The Honorable Nate McDonald, County Judge, Matagorda County
The Honorable Phillip Spenrath, County Judge, Wharton County
The Honorable Ty Prause, County Judge, Colorado County
The Honorable Ed Janecka, County Judge, Fayette County
The Honorable Paul Pape, County Judge, Bastrop County
Myron Hess, National Wildlife Federation
Jennifer Walker, Sierra Club
Michael Lanier, Red Bluff Hunting Club
Dick Ottis, Rice Belt Warehouse
Iliana Pena, Audubon Texas
Buddy Treybig, Arnold's Seafood
Laurance Armour, Pierce Ranch
Haskell Simon, President Coastal Plains Groundwater Conservation District