

Our County Resolved: “No Landfill”

On February 23, 2015, the Caldwell County Commissioners Court passed a resolution declaring Caldwell County's opposition to the "130 Environmental Park" landfill. For nearly two years, Green Group Holdings, LLC, a Georgia company with waste facilities in Alabama, New Mexico, and Guam, has undertaken efforts to permit and build this landfill in our County.

Local Caldwell County residents created Environmental Protection in the Interest of Caldwell County (EPICC) to evaluate the safety and wisdom of this proposed landfill and the proposed Host Agreement, as well as to determine the reliability of Green Group Holdings' operations of landfills. The primary concerns of EPICC are the threats posed by the landfill to groundwater, surface water, air quality, public health, odor, wind-blown litter, the dangerous impact of increased truck traffic, negative economic growth effects on the county and detrimental impacts on property values. Members of EPICC live in Caldwell County and have everything at stake with respect to how the landfill will affect them. In contrast, because Green Group Holdings, LLC is a corporation, by law its managers' overriding duty is to maximize the profits to its shareholders, none of whom reside in Caldwell County. After reviewing Green Group Holdings' methods and the substance of what they have submitted to TCEQ and the County, EPICC firmly opposes Green Group Holdings' scheme for Caldwell County and strongly supports the resolution opposing the landfill passed by the County Commissioners on February 23.

Alarm bells rang when EPICC learned how Green Group Holdings, LLC went about trying to circumvent the normal, local regulatory approval process for this landfill. Rather than submitting a plat application and going through the permit and application process set forth in Caldwell County law, Green Group Holdings, LLC instead attempted to pressure county leaders into signing a "Host Agreement," which would have committed the County in advance to support the project before the specifics could even be considered or reviewed. EPICC and others jumped into action and Green Group's host-agreement maneuver failed to get County Commissioner Court support. Finally, Green Group Holdings, LLC submitted something resembling a site plan application to the County - more than nine months after submitting its application for a landfill to the TCEQ. Green Group Holdings has taken an additional eight months and three extensions to fix errors and deficiencies in the site plan. But this site plan still does not comply with Caldwell County regulations, and the County should be prepared to deny the plat application if Green Group Holdings does not correct

the deficiencies by this latest, extended February 27, 2015 deadline imposed by the County.

Now that the County has passed a resolution opposing the proposed landfill, the County should approve a resolution to fully participate as a protesting party in the upcoming contested case hearing at TCEQ. The hearing, which is now scheduled to begin on March 26, 2015, allows those impacted by the proposed landfill the opportunity to analyze all information submitted to TCEQ by Green Group Holdings, as well as to submit their own evidence. The procedure grants the protesting parties the opportunity to cross-examine Green Group Holdings' witnesses about a number of environmental issues, including the suitability of the site for a landfill.

Speaking of site suitability, some of those making comments at the County Commissioners Court meeting suggested that there is no useable aquifer underlying the site. Here's what can be said: water was found in some of the test bore wells, and, no one can state whether or not that was from a viable aquifer with any certainty at this point. And, in light of the ongoing drought and expansive growth in the region, no water-bearing formation should be discounted as a potential source of useable water. It is irresponsible to declare that there is no groundwater worth protecting underneath the proposed site, particularly when there has been no opportunity to assess the evidence that Green Group Holdings has presented to TCEQ.

What can be assured, however, is that Green Group Holdings' sudden arrival in Caldwell County has given the residents of this county an opportunity to unite to protect their natural resources, health, and quality of life. County residents have every right to have a say in what they would like their community to become. Green Group Holdings, on the other hand, has taken every opportunity to divide this county - all in the attempt to maximize profits at our expense. We applaud the Caldwell County Commissioners for prioritizing their constituents' interests and the County's natural resources and passing the resolution on February 23. Now, it's time they take the next step, continue to act in the best interests of their constituents, and participate in the upcoming contested case hearing. It is our legal right to challenge Green Group Holdings' evidence and to present our own evidence, before allowing this out-of-state corporation to come in and disrupt Caldwell County residents' quality of life, property interests, and vital natural resources. We implore the County to exercise that right by adopting a resolution authorizing the County to seek party status in the upcoming contested case hearing.

James Abshier, Chairman of EPICC