

Hutto Citizens Group News

September 30, 2008

Morrison caves to Waste Management—permit going to TCEQ

By a 4-1 vote¹, on Tuesday, September 30, Williamson County Commissioners court voted to notify the Texas Commission on Environmental Quality (TCEQ) to schedule the landfill permit amendment expansion application (1405-B) for a hearing. The permit had been in “abatement” status since June 3 when commissioners put it on ice after learning about Waste Management's (WMI) plans to import some 100,000 tons of solid waste per year from Killeen without first notifying commissioners court.

“We are extremely disappointed in these four commissioners court members for giving up their only remaining leverage while trying to work out a better contract for the county with Waste Management,” said Jeff Maurice, chairman of the Landfill Committee of the Hutto Citizens Group (HCG). “And we are especially disappointed in Precinct 4 Commissioner Ron Morrison for not representing the interests of his constituents—people who deserve a better deal on the landfill design and operation than they are getting. And now, by caving in on the permit, the county has hurt its position substantially.”

According to Maurice, Morrison told a member of the HCG on Monday that a vote Tuesday on the permit was “doubtful”, and after the vote occurred on Tuesday Morrison said citizens wouldn't have been satisfied with any new contract the county might get with Waste Management anyway. “Of course, no one knows if that's true because we never got to see a new contract,” Maurice said.

“Over the last two long years,” Maurice continued, “Commissioner Morrison has done nothing in response to the outcry of citizens’ and local officials for, among other things, a 70-foot limit on the landfill height, steps to prevent the landfill from becoming a regional landfill, implementation of broad scale waste diversion at the landfill, expanded buffer zones around the landfill that could be used for civic purposes or the development of

¹ Voting in favor of the motion were County Judge Dan Gattis and Commissioners Cynthia Long (Pct. 2), Valerie Covey (Pct. 3), and Ron Morrison (Pct. 4). Pct. 1 Commissioner Lisa Birkman voted against the motion but made no statement. There was no discussion of the motion before the vote was taken.

commercial projects that could be added to the tax rolls, efforts to protect the fledgling, but promising, development of key areas of Hutto along Chandler Road, and the removal of Waste Management's name from the county's landfill permit."

"Simply put, we're disappointed beyond words," Maurice said. "It's hard to believe that Morrison hasn't been able to stand up to WMI in the interests of his constituents. We're certainly looking forward to his explanation for what he has done, and we feel we are more than entitled to an explanation at our next Hutto Citizens Group meeting on October 7. It's way past time that he explain himself to his constituents on this issue and this vote."

The motion to notify TCEQ to proceed with the permit contained a provision to submit a message to the state agency stating that the county wants Waste Management's name completely off of the permit to the extent that such would be "allowable or permissible." Over the last several months, the HCG has pointed out that specific steps are necessary to remove Waste Management from the permit as "Operator" or "Site Operator". According to the HCG, if Waste Management is not removed from the permit, Williamson County will lose control of its own landfill.

"The only way to cure that problem after Tuesday's vote is for the county to demand that unless Waste Management is removed from the permit, the permit will be cancelled and pulled down by the county," Maurice said. "If remanding the case to SOAH is needed to fix the permit, then that is what should be done, because having Waste Management listed as a co-applicant on the permit insures that TCEQ will give Waste Management 'Operator' or 'Site Operator' status."

Steven Salfelder, HCG president, said, "To approach TCEQ with such a lackluster request about not putting Waste Management on the permit as being 'allowable' or 'permissible' won't get it done. If that's all the members of commissioners court plan to do, they'll be sitting there like deer in headlights when TCEQ gives Waste Management exactly what it wants, so the county had better wise up and take pre-emptive steps now."

According to Maurice, the county's fear that the permit might not be approved because Waste Management wouldn't be listed as "Operator" or "Site Operator" doesn't pass the smell test. "What would you rather have," Maurice asked, "a permit with Waste Management in total control of your landfill, or no expansion permit at all? If you believe there's even the smallest risk that you would end up not in control of your own landfill, why would you move the permit application forward? Why wouldn't you clear that up first?"

Tuesday's action by commissioners court puts the county's appeal of Judge Burt Carnes' decision regarding the landfill contract in an entirely new context. The county has filed notice appealing Carnes' decision which states that county's 2003 contract with Waste Management is valid, but at the same time the county hasn't committed to moving forward with that appeal in an aggressive way. "The appeal might well be the county's only remaining recourse," Maurice said. "It's hard to believe that the county wouldn't follow up on its opportunity to appeal by making an aggressive argument, but so far the county has only claimed to 'reserve its right' to appeal."

Maurice said Morrison's failure to take the lead in protecting his own Precinct 4 constituents, especially residents around the landfill as well as the City of Hutto, has put him on shaky ground when trying to figure out his true allegiances. "So far, what he has done has been a real mystery," Maurice said. "At the very least, he should come forward and explain his thinking to us and to the public. We need insight into his strategy and plan, because right now what is happening doesn't make any sense."

According to Salfelder, throwing the permit into the TCEQ in its present form would be like throwing the Christians to the lions in the coliseum. "Look at how Waste Management got the rules modified at TCEQ in the last several months to give them a clear path to controlling this particular permit," Salfelder said. "If the permit goes into that meat grinder as it stands now, Waste Management's footprints will be all over the scattered bodies, and the county will have given away to a private company the control of a public and taxpayer asset worth tens of millions of dollars."

The Newsletter of the Hutto Citizens Group is published by the HCG as a public service. Questions and comments may be directed to: thehuttocitizens@yahoo.com.

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