



Rosa Saade

Personal Matters / Ex. 6



Honorable Greg Abbott
Office of the Governor
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Austin, Texas 78711-2428
Phone: (512) 463 2000
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May 18th, 2018

Dear Governor Greg Abbott:

Allow me to introduce myself and my family. My name is Rosa Saade, and I live on **Personal Address / Ex. 6** My husband **Personal Matters / Ex. 6** is a P.E. Chemical Engineer for KBR (Kellog, Brown & Roots, former Halliburton). My husband is Legally Blind, and due to his disability, he depends on me to drive him to/from work and any other places he needs to attend. God blessed us with two healthy kids aged 5 and 4.

Governor Abbott, I am reaching out to you today, imploring your **immediate & urgent** intervention regarding the Blue Ridge Landfill (BRL) located on 2200 FM 521, Fresno, TX 77545. The Landfill owned by Republic Services is 1 mile behind our home, along thousands of other homes.

Respectfully, the Shadow Creek Ranch Community located in the same County as the Blue Ridge Landfill (Fort Bend), and the Super Neighborhood 41 located in Harris County have been suffering from daily odor nuisance. The Texas Commission on Environmental Quality (TCEQ) has identified this Landfill to be the cause of our daily suffer ever since 2015. However, compelling data on the TCEQ website shows evidence that this goes back to 2004.

Respectfully, the odor nuisance emanating from the BRL, occurs **daily!!** This odor varies from strong stench of garbage/sewage smell, chemical burns smell, fruit/honeysuckle smell, tire/rubber smell (less often than the other types of smell previously described). I moved in with my family end of July 2016. I was not aware of the existence of the Landfill, as the seller failed to disclose it when we bought our property. If you drove along Alameda Road behind our community, and along the BRL, there is no sign or evidence of its existence! Not even at its gate entrance!

Governor Abbott, the strong foul smell wakes us up at night, causing thousands of individuals, adults, and kids alike, variety of symptoms affecting our health: nausea, vomiting, headaches, itchy throat, burning eyes, to name a few. This has gotten to stop!

I would like to share with you few conversations I had with my 5.5 years old daughter Personal Matters / Ex. 6 and my 4.5 years old son Personal Matters / Ex. 6 for you to have a better understanding of the gravity of the situation, and the urgency of your intervention with TCEQ and Republic Services President & CEO, Mr. Donald W. Slager:

This First Conversation occurred this past Monday night (05.13.2018), as I was tucking my daughter to bed:

- *Mama? Those guys from the Landfill: Don't they feel bad that they do this stinky bad smell to us and to the rest of the neighborhors? Don't they feel bad that we have to cover our mouth and nose, so we don't smell it*
- *I guess not Personal Matters / Ex. 6 Right?*
- *Mama, I don't think they care. I think they just want to be winners and make bad smell to be worser (Yes she said worser) and they just want to make the world stinkier...*

As I was tucking my 4.5 years old son, Personal Matters / Ex. 6 to bed, 2 nights ago, he asked me:

- *Mama, did you finish working on the Landfill yet?*
- *No Honey not yet.*
- *Still have to go to all these meetings?*
- *Yes Personal Matters / Ex. 6 I do*
- *Alright, why don't we make bad smell in our backyard and make the landfill people smell the stink?*
- *Good Idea! 🌀🌀🌀🌀*

Yesterday morning, before I drop my husband off to work in Downtown Houston, I was dropping off our kids to their school early in the morning. And they were both affected by the strong foul stench of garbage that welcomed them in the morning. So my daughter asked me:

- *Mama, did you and the neighbors beat the Landfill guys yet?*
- *Not yet Personal Matters / Ex. 6... soon. But there is hope*
- *Ok! If you and the neighbors don't do it, wait till I grow up and be a Mom, I will do It! I will go to the Landfill people and ask them if they know how bad it smells and if they are going to stop?!*

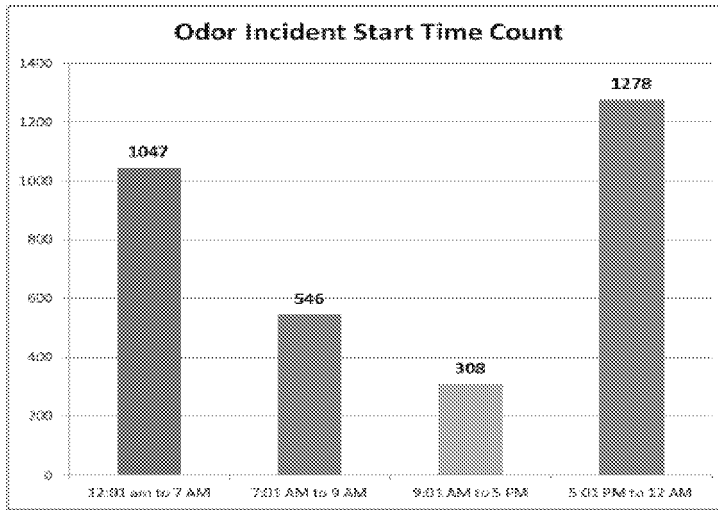
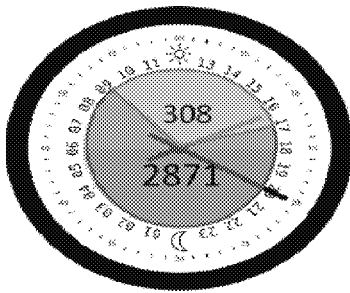
Respectfully, I urge you to read the TCEQ investigation reports stating that they had 2 of their Environmental Investigators getting sick on the field, while performing their investigations back in 2016! In November 2017, TCEQ has established that BRL had falsified its "self-monitoring" reports for at least a year and half prior!

Governor Abbott, on April 24th, 2018, few of my neighbors and myself travelled specially to the Capitol in Austin, TX, as we were invited to testify at the Hearing held by Representative Ed Thompson, who is Vice-Chairman on the Environmental Committee, and presided the Hearing that day, on Environmental Subcommittee on Air Quality and Municipal Landfills. Kindly find attached a notice of the Hearing, and a witness list of the Hearing.

One of my neighbors, Ed Mears, submitted a presentation to the Subcommittee. Kindly find it attached to this letter. Until you get the opportunity to read it in full, I would like to draw your attention to the pages 18 & 19:

Time of Incident Start Time reported to TCEQ

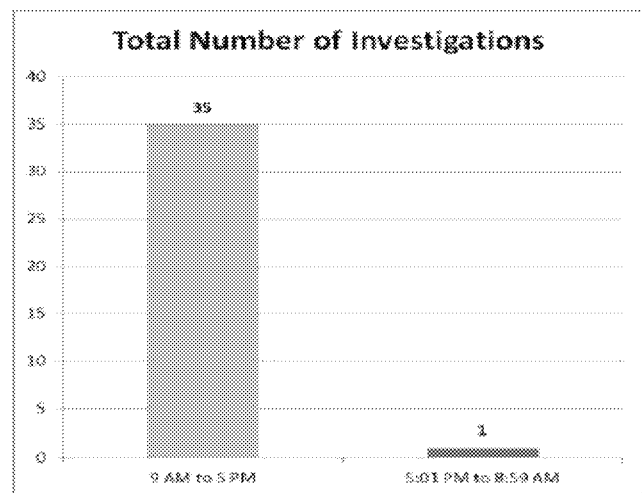
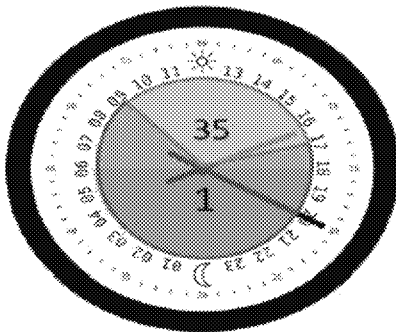
| Incidents reported to TCEQ August 20, 2015 to April 11, 2018 | |
|-----------------------------------------------------------------|--------------------------------|
| Odor Incident Start Time | Odor Incident Start Time Count |
| 12:01 am to 7 AM | 1047 |
| 7:01 AM to 9 AM | 546 |
| 9:01 AM to 5 PM | 308 |
| 5:01 PM to 12 AM | 1278 |
| Not reported | 97 |
| Total Reported | 3276 |



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TCEQ Onsite Compliance Monitoring following Complaints

| TCEQ Waste Division Investigations September 10, 2015 to September 26, 2017 | |
|--------------------------------------------------------------------------------|--------------------------------|
| TCEQ Inspector Site Visit Reported Start Time | Total Number of Investigations |
| 9 AM to 5 PM | 35 |
| 5:01 PM to 8:59 AM | 1 |
| Total Reported | 36 |



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Honorable Governor Abbott, during all these years, TCEQ kept receiving thousands of complaints that skyrocketed since 2015, but failed to protect our right under TAC 30, Rule 101.4, stating, and I quote:

“No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.”

Respectfully, at the Hearing, Mrs. Kelly Keel Linden, stated that they usually call each complainant, asking them to specify the odor, intensity, and try to recreate the meteorological conditions, but my community and I beg to differ. We do not hear back from them ever! Furthermore, as you have seen in the above two graphic figures, TCEQ has been investigating at the wrong time, issuing frustrating reports stating that there was no odor noticed. They kept receiving our complaints, and chose not to acknowledge our daily suffer and pain. This week is the first time for my community and I to have witnessed TCEQ being present as early as 5:30 am, canvassing our area all day long, and staying till a late time at night. Although I have been here less than 2 years, however many of my neighbors have established their homes more than 10 years ago, and stated to have only seen these vans in the area, back in 2015, around the time TCEQ came to the field to investigate the skyrocketed amount of complaints in Shadow Creek Ranch, and identified at the time that the BRL is the main and only source of the odor nuisance.

Governor Abbott, also present at the Hearing, Mr Brian Sinclair, TCEQ’s Enforcement Director, who stated when asked by Representative Ron Reynolds, that if TCEQ wanted, they could issue a fine up to \$25K/violation/day, according to the 2014 Municipal Solid Waste Penalty Code, by TCEQ:

https://www.tceq.texas.gov/assets/public/comm_exec/pubs/rg/rg253/penaltypolicy2014.pdf

BRL has only been penalized for an amount less than \$44K back in April 2017, and their Permit was still allowed to be renewed back then, even though we protested, but it was never suspended. 2 Notices of Enforcement have been issued and they still have not complied. How do I know? I have my 5.5 years old daughter and can now spot the “Landfill Smell” at home. Can you imagine that!? If she can, why can’t TCEQ use their resources to hire more Environmental Investigators, have them come STAT when we complain in the middle of the night, and issue violations, not up to, but \$25K/violation/day?!

Table 1: Statutorily Authorized Penalties

| Program | Statute/ Chapter | Administrative penalties, per violation per day | Civil penalties, per violation per day |
|-----------------------------------|-----------------------------|----------------------------------------------------------------|-----------------------------------------------------------|
| Air Quality | TWC/7 | \$0 -25,000 | \$50 -25,000 |
| Edwards Aquifer | TWC/7 | \$0 -25,000 | \$50 -25,000 |
| Industrial and Hazardous Waste | TWC/7 | \$0 -25,000 | \$50 -25,000 |
| Land over MSW Landfills | TWC/7 | \$0 -25,000 | \$50 -25,000 |

When Mrs. Lindnen was asked by Chairman Ed Thompson, if they have enough resources, she stated that she ignores the facts and would need to get back to her superiors regarding the matter. Fortunately, as a concerned resident, I came in prepared and submitted to the Subcommittee evidence showing that TCEQ gets paid under Municipal Solid Waste Texas Law: \$0.94/ton of waste per landfill. Records on TCEQ, shows that their 2016 Fiscal Year, Blue Ridge Landfill alone reported 1,206,030 ton of waste. TCEQ earned from BRL alone over \$1M of fees. That is beside the numerous amount of Landfill operating statewide. Respectfully, TCEQ seems to have more than enough resources, to tackle the urgency of the situation, that we, the people, have been suffering from, for the past 12 years!

Governor Abbott, Mr Stephen Minnick, who works in Austin, TX, testified under oath, at the Capitol Hearing, on April 24th, 2018, that we, complainants, are falsifying our complaints, that we do not know how to file complaints, and denied the existence of the smell, stating that he drove himself and did not smell anything! This is outrageous!

I urge you to use all in your power to apply the United States rules for lying under oath:
Lying under oath consequences

In the United States, perjury **under oath** is often charged as a felony. Arrest and imprisonment are common for those who **lie under oath**. When someone swears an **oath** before legal proceedings, they are promising to tell the truth. Perjury charges are rarely filed unless the **lie** could change the outcome of the case.

Unfortunately, this is not the first time that Representatives/Spokesman from Republic Services have denied our complaints, as Mr. Russ Knocke denied the same last year, when the City of Pearland filed a lawsuit against his company, seeking \$1M in damages.

Respectfully, I am looking forward to meeting the First Lady of Texas, your wife, Mrs. Cecilia Abbott, next Wednesday May 23rd, 2018. Would it be possible for you to accompany

her on an official visit, requesting an urgent meeting with District 27 Representative Ron Reynolds, District 29 Representative Ed Thompson, Precinct 1 Commissioner Vincent Morales, Fort Bend County Judge Robert Herbert to discuss the matter?

Governor Abbott, I am thankful for your precious time, and am looking forward to hearing back from you. If you have any questions that you would like me to assist you with, please do not hesitate to contact me anytime at my mobile number Personal Phone / Ex. 6 and/or e-mail address: Personal Matters / Ex. 6 Your staff may send me a fax at: Personal Matters / Ex. 6, but would need to call my mobile number first, to make sure the Fax Machine is enabled to receive Fax Letters.

Governor Abbott, I am looking forward to hearing back from you, and would appreciate you taking my letter into consideration. I am more than willing to extend my help, in any way you deem would be resourceful for you, regarding the issue at hand. Thank you very much for all your continuous support. May God Bless You & Your Precious Family!

Sincerely Yours,



Rosa Saade

CC:

- ❖ Ron Reynolds, *House Representative – District 27, and Member of the House Committee on Environmental Regulation*
- ❖ Ed Thompson, *House Representative – District 29, Vice-Chair of the House Committee on Environmental Regulation, and Chairman of the Environmental Regulation Interim Subcommittee on Landfill and Air Issues*
- ❖ Vincent Morales Jr., *Fort Bend County Precinct 1 Commissioner*
- ❖ Robert Hebert, *Fort Bend County Judge*
- ❖ Pete Olson, *Texas United States Representative*
- ❖ Erin Brockovich, *American Legal Clerk and Environmental Activist*
- ❖ Scott Pruitt, *EPA Administrator*