

Minutes Odor Task Force
November 30, 2016

The Odor Task Force held a regular meeting at Pearland Convention and Visitors Bureau Office located at 11200 Broadway, Suite 1390 in Pearland, Texas.

- I. Call to Order: The meeting was called to order at 6:06 PM.
- II. Roll Call: The following members and guests were in attendance at the meeting:

Jon R. Branson
Lucian Hill
Ed Mears
Brandon Rogers
Laurie Rodriguez

Trent Perez, Pearland City Council Member; Michael De La Cruz, Manager Air Enforcement Section, TCEQ Enforcement Division, Austin, Texas and Corbett Brinly TCEQ, Team Leader Air Section, Region 12 of Houston were also in attendance.

- III. Discussion and possible action regarding the minutes from the November 2nd Odor Task Odor Task Force:

Mr. Brandon Rogers made a motion to accept the minutes with a recommend change to type of collection system mentioned on page 2 of the minutes. Mr. Ed Mears recommended a change to the minutes on page 3 regarding the identification of an Environmental Attorney. The motion as amended was seconded by Mrs. Laurie Rodriguez and the motion carried unanimously.

- IV. Discussion and possible action regarding updates:

- A. TCEQ Notice of Enforcement Letter to Blue Ridge Landfill – A copy of the October 21, 2016, Notice of Enforcement (NOE) Letter was provided to the Task Force.
- B. TCEQ Process – Mr. Branson reminded the Task Force that he had sent them correspondence from Representative Thompson’s office that provided basic information regarding when the Draft Agreed Order would be sent to Blue Ridge Landfill. It is anticipated the Oder will be sent to Blue Ridge Landfill by the middle of December. Once received they will have 60 days to respond. If accepted it will be sent to the commission for review. If rejected it will be referred to the Litigation Division and the matter may be set for a contested case hearing of the State Office of Administrative Hearings. In this case, after trial, the Administrative Law Judge will make a recommendation based on the evidence and will draft a proposal for

decision which will be presented to the TCEQ Commission for consideration and final approval. The Odor Task Force agreed to have the NOE placed on the West Pearland Air Quality page.

- C. Town Hall Meeting – The Task Force discussed the need to hold a Town Hall meeting in February to inform the citizens as to what has been going on with the Task Force and TCEQ. Since a NOE was issued in October and it is anticipated a Draft Agreed Order would be issued by TCEQ in mid-December, it was agreed by the members of the Task Force to meet one more time in January to go over the agenda for the meeting and then hold the Town Hall Meeting in early February.

V. Open discussion:

Michael De La Garza from the Enforcement Section in Austin further explained TCEQ's process as discussed earlier in the meeting. Once the Draft Agreed Order is received, Blue Ridge Landfill will have 60 days to respond. If they accept the order as is, it will be sent to the commission. If rejected, it will be referred to the Litigation Division and the matter may be set for a contested case hearing of the State Office of Administrative Hearings. In this case, after trial, the Administrative Law Judge will make a recommendation based on the evidence and will draft a proposal for decision which will be presented to the TCEQ Commission for consideration.

Mr. Ed Mears mentioned to Mr. De La Garza his original opinion that the temporary cap as agreed to in the Settlement Agreement is the main cause of the odor issue. He asked the representatives from TCEQ in attendance if they had reviewed his PowerPoint Presentation regarding the matter. Mr. De La Garza indicated that he had not reviewed it but was aware of it. Mr. Branson stated that he would forward the PowerPoint to Mr. De La Garza and to Mr. Brinly and asked that they share it with all divisions of TCEQ both in Austin and in Houston.

Mr. De La Cruz mentioned that TCEQ had numerous investigations that were ongoing and that these investigations may or may not substantiate whether or not the odor was coming from the capped area required by the settlement agreement. It was suggested that the current and/or ongoing investigations may address this issue.

VI. Next Meeting:

The next regular meeting is scheduled to take place on January 18, 2017.

- VII. Adjourn: The meeting was adjourned at 7:35 PM.