

CAUSE NO. D-1-GN-25-003457

STATE OF TEXAS,	§	IN THE DISTRICT COURT
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	459 TH JUDICIAL DISTRICT
	§	
TRAVIS COUNTY,	§	
	§	
<i>Defendant.</i>	§	TRAVIS COUNTY, TEXAS

**TRAVIS COUNTY’S MOTION TO STRIKE GRAHAM DEVELOPMENT
CORPORATION AND MOO MOO MEADOWS, LLC’S PETITION IN
INTERVENTION**

TO THE HONORABLE JUDGE OF THE DISTRICT COURT:

COMES NOW Defendant Travis County (“Defendant” or “County”), by and through its counsel of record, and files this Motion to Strike Graham Development Corporation and Moo Moo Meadows, LLC’s (collectively “Intervenors”) Petition in Intervention, and respectfully show the Court as follows:

I. INTRODUCTION

1. Plaintiff State of Texas (“State”) brought this environmental enforcement action against the County for civil penalties and injunctive relief related to the County’s post-closure care and maintenance of the Travis County Landfill, a Type 1 landfill located at 9500 E. Highway 290, Austin, Texas (the “Landfill”). Previously, in March 2024, the Texas Commission on Environmental Quality (“TCEQ”) sent the County a Notice of Violation that listed the violations asserted in this lawsuit.

2. The County has attempted to adequately close the Landfill, in compliance with all State solid waste and water quality statutes and TCEQ regulations, but numerous factors have complicated the County’s post-closure efforts, including the persistent obstruction of Intervenors.

3. Intervenor Moo Moo Meadows, LLC (“Moo Moo Meadows”) purchased the approximately 147-acre tract of land on which the Landfill is sited (the “Property”) from another private entity in February 2024. Intervenor Graham Development Corporation (“Graham”) is *not* an owner of the Property, nor does it have any justiciable interest in the Property. It is merely another entity that shares some elements of common ownership and/or control with Moo Moo Meadows through Mr. Corbin Graham.

4. Intervenor have extensively hindered the County’s attempts to conduct post-closure activities at the Landfill. Intervenor have repeatedly installed keyed locks, new combination locks, and chains on the access gate, preventing the County and its contractors from entering the Property. Further, Intervenor appeared to engage in hog baiting on the Property, the County observed significant damage to the Landfill cap caused by feral hogs, and Intervenor obstructed the County’s attempts to address the feral hog problem. The level of interference from Intervenor has made the County’s post-closure obligations of the Landfill so challenging that the County has filed a condemnation action against Intervenor,¹ whereby the County seeks to acquire the Property so that the County can properly maintain and repair the landfill as authorized under Chapter 364 of the Health and Safety Code and/or for acquiring public parkland.

5. On July 31, 2025, apparently after learning of rumors that the County was planning to initiate condemnation proceedings, Intervenor filed suit in the United States District Court for the Western District of Texas in *Graham Development Corporation and Moo Moo Meadows, LLC v. Travis County, Texas*, Civil Action No. 1:25-cv-1196 (the “Federal Lawsuit”) asserting claims

¹ The County asks the Court to take judicial notice of the contents of the Clerk’s file in *Travis County, Texas v. Moo Moo Meadows, LLC and Robertson Family 290 Property, LLC*, Cause No. C-1-CD-25-000071, pending in the Probate Court No. 1, Travis County, Texas (“Condemnation Suit”) regarding the Property. The County filed the Condemnation Suit on December 3, 2025, after communicating pre-condemnation offer letters on or about August 29, 2025, and October 2, 2025. Moo Moo Meadows is represented in the Condemnation Suit by the same counsel who have filed the Petition in Intervention. Because Graham is not an owner of the Property, it is not a party to the Condemnation Suit.

of inverse condemnation, regulatory takings, and breach of contract, among others. Intervenor's complaint in the Federal Lawsuit is almost identical to their Petition in Intervention in this lawsuit. *See* Pet. in Intervention, Ex. A.

6. Unhappy with the progress of their claims in these two other forums, Intervenor now seek to insert themselves in the State's environmental enforcement action pursuant to Chapter 7 of the Water Code against the County, and attempt to reassert a host of federal constitutional and contractual claims adopted and incorporated directly from the Federal Lawsuit. However, Intervenor have no justiciable interest in this suit, as Chapter 7 of the Water Code grants exclusive enforcement authority to the TCEQ and the Attorney General acting on the TCEQ's behalf. Moreover, intervention is not essential to protect the Intervenor because any economic damages to Intervenor's claimed property interests allegedly resulting from the County's actions (which the County denies) are adequately protected in both the Federal Lawsuit and/or the Condemnation Lawsuit and permitting intervention in this lawsuit will needlessly complicate the case by excessively multiplying the legal issues at the substantial risk of disparate results in the different forums.

7. Nevertheless, Intervenor argue that they have a justiciable interest in the State's enforcement suit, on the basis of the Resource Conservation and Recovery Act ("RCRA")'s citizen suit provision, which authorizes landowners to sue persons or entities for waste related environmental harm in *federal* district court, and over which this Court lacks jurisdiction.

8. The Intervenor's intent is clear. They do not seek to protect the environment through a RCRA citizen suit; they have not even asserted such claims in the Federal Lawsuit, although they reference the potential for them.² *Compare* Pet. in Intervention, Ex. A at ¶¶ 14-15, 22 with ¶¶ 124-

² In fact, in the Federal Lawsuit, Intervenor acknowledged the existence of this lawsuit and the TCEQ's pending enforcement actions. *See* Pet. in Intervention, Ex. A at ¶¶ 3-4 and Ex. 1.

148 (asserting causes of action for taking without just compensation, substantive and procedural due process violations, a federal declaratory judgment act claim, breach of contract, and request for a writ of mandamus). They do not seek the County's resolution of the TCEQ's identified violations, as they have blocked the County's efforts to complete its post-closure activities at the Landfill and facilitated damage to the Landfill cap. Rather, they seek financial gain from a risky investment – the purchase of the Property for use as an auto salvage yard that the County had already deemed unsuitable for such use – and they seek to piggy-back on the State's environmental enforcement action to pursue their private financial interests.

9. The Intervenor's have no justiciable interest in the State's enforcement suit against the County, will only complicate the case with additional and unrelated legal issues, and need not participate to protect their own interests. Rather, Intervenor's are interlopers seeking to disrupt these proceedings by filing unnecessary and duplicative claims against the County that they are separately pursuing in the Federal Lawsuit and/or could assert in the Condemnation Lawsuit. Their Petition in Intervention should be stricken accordingly.

II. RELEVANT BACKGROUND

10. The County operates the Landfill, a closed, permitted Type I landfill, that consists of two mounds, referred to as the East Mound and the West Mound, which are split by a creek. The Property on which the Landfill is sited is approximately 147 acres and was opened in 1968 and operated by the County until May 23, 1982, after which point Travis County started post-closure care.

11. Joe T. and Joyce Robertson owned the Property, which they leased to the County in 1968.

12. In 1986, Austin County Inc. developed a flea market on the Property, which includes buildings, parking facilities, and sewage treatment facilities, approximately 21 acres of which is constructed on top of the Landfill's East Mound of the closed Landfill. Pet. in Intervention, Ex. A-2 (Cooperation Agreement) at p. 1.

13. Throughout the years, the TCEQ has issued a number of Notices of Violation to the County related to ongoing issues with the Landfill, including the March 24, 2024 Notice of Violation, which serves as the basis for the State's lawsuit. *See* Original Pet. ¶¶ 5.7, 5.8, 5.10. The County has entered into multiple compliance agreements with TCEQ to address ongoing issues with Landfill post-closure care and maintenance, including leachate leakage.

14. On July 3, 2012, the County entered into a *Cooperation Agreement for Remediation of the U.S. 290 Municipal Solid Waste Landfill* with the flea market operator and tenant, Austin Country, Inc., and the property owner, Robertson Family 290 Property, LLC³ ("Cooperation Agreement"), in response to a 2009 TCEQ Notice of Violation. *See* Pet. in Intervention, Ex. A-2. The Cooperation Agreement outlines the parties' specific Landfill remediation and post-closure obligations.

15. In early 2023, Graham informed the County that it planned to relocate its auto salvage yard from its current location in south Austin to the Property. It sought the County's agreement with this proposed change in use pursuant to the terms of the Cooperation Agreement. On August 1, 2023, the Travis County Commissioners Court voted against Graham's change-of-use request for use of the Property. *See* Pet. in Intervention, Ex. A at ¶¶ 5-6, 75-77, 79 and Ex. 4. On August 8, 2023, the County informed Graham by letter that use of the Property as an auto

³ Joe T. and Joyce Robertson conveyed the Property to the Robertson Family 290 Property, LLC, a Texas limited liability company, prior to the execution of the Cooperation Agreement. *See* Pet. in Intervention, Ex. A-2 (Cooperation Agreement) at p. 3.

salvage yard would be incompatible with the County's maintenance obligations under the terms of the Cooperation Agreement. *See* Pet. in Intervention, Ex. A at ¶ 79.

16. Despite the County's decision and clear communication to Graham, Intervenor Moo Moo Meadows, affiliated with Graham, purchased the Property from the Robertson Family 290 Property, LLC in February 2024, with, as the Petition in Intervention demonstrates, an intent to continue its efforts to relocate an auto salvage yard to the Property. However, inexplicably, at no point in time has either Intervenor submitted a permit application to the TCEQ, the proper regulatory authority, requesting TCEQ's approval for this proposed change in use. As a result, Intervenor has no vested property rights, merely a unilateral expectation with no reasonable basis to believe that such development plans are viable.

17. Since Moo Moo Meadows' acquisition of the Property, the County has encountered numerous problems with conducting post-closure care and maintenance at the Property as it strives to address the issues identified in TCEQ's 2024 Notice of Violation. On repeated occasions, the County and its contractors have been denied access to the property through Intervenor's placement of keyed locks, new combination locks, and chains on the access gate. *See* Ex. 1 (Declaration of David Peyton). Further, Intervenor appeared to engage in hog baiting on the Property, the County observed significant damage to the Landfill cap caused by feral hogs, and Intervenor obstructed the County's attempts to address the feral hog problem, further complicating and impeding the County's Landfill remediation efforts. *Id.*

18. On May 13, 2025, the State of Texas, on behalf of the TCEQ, filed this civil lawsuit against the County to enforce Texas Water Code Chapter 26, Texas Health & Safety Code Chapter 361, and TCEQ Rules adopted pursuant to TCEQ's authority under Chapter 7 of the Water Code. *See* the State of Texas's Original Pet. and Appl. for Injunctive Relief. Specifically, the State seeks

civil penalties pursuant to Texas Water Code Section 7.102 for unauthorized discharge of waste into Texas waters and failure to follow the minimum design, operation, closure, and post-closure requirements, and injunctive relief under Texas Water Code Section 7.032(b). *Id.* ¶¶ 4.25, 4.26.

19. On July 31, 2025, Intervenor filed the Federal Lawsuit, alleging federal constitutional claims for takings and substantive and procedural due process, breach of contract claims concerning the Cooperation Agreement, and other claims that seek to compel the County to take certain actions to further Intervenor's development of an auto salvage yard on the Property. *See* Pet. in Intervention, Ex. A.

20. Due to the Intervenor's consistent interference with the County's post-closure care and maintenance obligations for the Landfill, the County initiated the process to acquire the Property by sending an offer letter to Moo Moo Meadows to purchase the Property for solid waste management and for parkland. As the parties could not agree on the value of the Property, on December 3, 2025, the County filed the Condemnation Lawsuit against Intervenor Moo Moo Meadows and Robertson Family 290 Property, LLC in Travis County probate court. *See* Pet. in Intervention, Ex. B.

21. Intervenor now seeks to intervene in the State's environmental enforcement suit against the County, adopting and incorporating their claims from the Federal Lawsuit into this suit.

III. STANDARD FOR INTERVENTION UNDER TEXAS RULE OF CIVIL PROCEDURE 60

22. Texas Rule of Civil Procedure 60 permits any party to file a petition to intervene. Intervention avoids having multiple suits on the same subject by resolving competing claims in a single proceeding. *Eagle Oil & Gas Co. v. Shale Expl., LLC*, 549 S.W.3d 256, 267 (Tex. App.—Houston [1st Dist.] 2018, pet. dismissed).

23. However, should another party to the suit object, the burden rests with the intervenor to show it has a justiciable interest in the lawsuit. *In re Union Carbide Corp.*, 273 S.W.3d 152, 154-55 (Tex. 2008); *Nghiem v. Sajib*, 567 S.W.3d 718, 721 (Tex. 2019). To establish the right to intervene as a plaintiff, the intervenor must show that it could have brought all or part of the same action in its own name. *Guaranty Fed. Sav. Bank v. Horseshoe Operating Co.*, 793 S.W.2d 652, 657 (Tex. 1990); *Intermarque Auto. Prods., Inc. v. Feldman*, 21 S.W.3d 544, 549 (Tex. App.—Texarkana 2000, no pet.).

24. The “justiciable interest” requirement defines the category of non-parties who may interject their interests into a pending suit to which the intervenors have not been invited. “Thus, the ‘justiciable interest’ requirement protects pending cases from having interlopers disrupt the proceedings.” *In re Union Carbide Corp.*, 273 S.W.3d at 155.

25. The trial court may strike a petition in intervention if: (1) the intervenor does not have a justiciable interest in the lawsuit, (2) the intervention will complicate the case by an excessive multiplication of the issues, or (3) the intervention is not essential to protect the intervenor’s interest. *See Guaranty Fed.*, 793 S.W.2d at 657; *see also, Law Offices of Windle Turley, P.C. v. Ghiasinejad*, 109 S.W.3d 68, 71 (Tex. App.—Fort Worth 2003, no pet.).

IV. ARGUMENT

26. Here, the Court should strike Intervenors’ Petition in Intervention on all three grounds: (1) Intervenors do not have a justiciable interest in the lawsuit, (2) the intervention will complicate the case by an excessive multiplication of the issues, and (3) the intervention is not essential to protect Intervenors’ interests. Intervenors’ Petition in Intervention and previous behavior towards the County, by which they have sought to obstruct and hinder the County from conducting its post-closure maintenance of the Landfill, demonstrate the Intervenors’ intent to

“disrupt the proceedings,” rather than seek all or part of the affirmative relief requested by the State in this lawsuit.

A. Intervenorors do not have a justiciable interest in the suit.

27. Intervenorors do not have a justiciable interest in the suit, as the Intervenorors “could not have brought all or part of the same suit,” a governmental enforcement action for violations of state environmental laws and regulations, in their own name. *See Guaranty Fed.*, 793 S.W.2d at 657; *Ghiasinejad*, 109 S.W.3d at 70.

28. In this environmental enforcement action against the County, the State seeks civil penalties pursuant to Texas Water Code Section 7.102 for unauthorized discharge of waste into Texas waters and failure to follow the minimum design, operation, closure, and post-closure requirements for landfills, and injunctive relief under Texas Water Code Section 7.032(b). “Yet [Intervenorors] do not assert that they could have brought any part of [State’s] claim.” *In re Union Carbide Corp.*, 273 S.W.3d at 155. And in fact, they cannot, as Intervenorors may not initiate enforcement actions under Chapter 7 of the Texas Water Code, which vests enforcement authority of the Water Code and Health and Safety Code exclusively in the TCEQ, its executive director, and the Attorney General acting on behalf of TCEQ. Tex. Water Code Ann. § 7.002; *see also BCCA Appeal Grp., Inc. v. City of Houston*, 496 S.W.3d 1, 9-10 (Tex. 2016). While Chapter 7 preserves private individuals’ common law remedies to address pollution and other harms, it does not create any statutory enforcement rights for private parties. *See* Tex. Water Code Ann. § 7.004.

29. Intervenorors unsuccessfully attempt to manufacture a justiciable interest in this suit by claiming that the Resource Conservation and Recovery Act provides such an interest: “Graham is afforded the authority to bring similar enforcement actions under federal law, and has previously

provided the County with notice of intent to sue under [RCRA].” Pet. in Intervention ¶ 2.3. Intervenor’s argument has two clear problems.

30. First, federal district courts generally have exclusive jurisdiction over RCRA citizen suits. RCRA’s citizen suit provision requires that actions be brought in the federal district court where the violation or endangerment occurs. *See* 42 U.S.C. § 6972(a)(1)(B); *Litgo New Jersey Inc. v. Comm’r New Jersey Dep’t of Env’t Prot.*, 725 F.3d 369, 395 (3d Cir. 2013) (“We agree with the majority of courts that have addressed this issue that the language of § 6972(a) unambiguously demonstrates that federal courts have exclusive jurisdiction over RCRA claims.”). Thus, Intervenor could not bring a RCRA citizen suit against the County in this Court, because this Court lacks jurisdiction over such claims.

31. Second, Intervenor does not actually seek to bring a RCRA claim against the County. Intervenor did send a Notice of Intent letter citing to RCRA, but neither their Petition in Intervention, nor their parallel Federal Lawsuit against the County, pled an actual RCRA claim for imminent and substantial endangerment. In fact, Intervenor’s case against the County in federal district court, the proper venue to bring a RCRA citizen suit, fails to name a RCRA claim under its causes of action. *See* Pet. in Intervention, Ex. A. ¶¶ 124-148. Rather, the crux of Intervenor’s claims against the County are constitutional takings and due process and contractual claims that stem from the County’s decision that Intervenor’s preferred use of the Property as an auto salvage yard is incompatible with its post-closure maintenance obligations.

32. Thus, while Intervenor alleges a controversy between the County and Intervenor, involving takings, federal substantive and procedural due process, and challenge the County’s ability to make land use determinations for the Property under state law and the terms of the Cooperation Agreement, Intervenor “make no claim that their controversy will be affected or

resolved by resolution of the [State's] case.” *In re Union Carbide Corp.*, 273 S.W.3d at 155. Accordingly, Intervenor fails to demonstrate a justiciable interest in the State's suit and is not entitled to intervene here. *Id.*

B. Intervention will complicate the case.

33. Furthermore, even if Intervenor “could have brought the same action, or any part thereof, in [their] own name,” the Court should independently strike Intervenor's Petition, as the intervention will complicate the State's environmental enforcement case by an excessive multiplication of unrelated issues. *See Guaranty Fed.*, 793 S.W.2d at 657; *Ghiasinejad*, 109 S.W.3d at 70; *Brauss v. Triple M Holding GmbH*, 411 S.W.3d 614, 630 (Tex. App.—Dallas 2013, pet. denied) (finding that intervention would have complicated the issues in a complex case by injecting new and unique claims not raised by other parties).

34. Intervenor seeks to inject federal constitutional claims for takings and substantive and procedural due process, contractual claims regarding the authority to determine land use of the Property, and writ of mandamus to compel the County to take certain actions to further Intervenor's development of an auto salvage yard into the State's enforcement suit. *See* Pet. in Intervention, Ex. A. They plainly admit that such claims are unrelated to the State's environmental enforcement action:

Although based on the same property and current and historical [Solid Waste Disposal Act] violations, Meadows' claim does not directly overlap and is not duplicative of the State's claim. Rather, Meadows' claim is based on Travis County's violations of Meadows' property rights and its rights under the U.S. and Texas Constitutions, plus alternative claims for breach of contract and potentially other claims based on the County's illegal, arbitrary and conscious decision to prevent the lawful development of Meadows' property simply because the County desires a different use for the property.

Pet. in Intervention, Ex. A ¶ 4. Moreover, Intervenor has already chosen to file their claims in the Federal Lawsuit, which is still pending. Under principles of judicial economy and comity,

Intervenors should not be allowed to bring those same claims in this new (improper) forum with the significant risk of inconsistent rulings.

35. Allowing the intervention in this case would inject new issues into the case that are completely unrelated to the issues in the principal lawsuit – whether the County has violated the provisions of Texas Water Code Chapter 26, Texas Health & Safety Code Chapter 361, and TCEQ Rules identified by the State in its Original Petition. *Ghiasinejad*, 109 S.W.3d at 71 (citing *Atchley v. Spurgeon*, 964 S.W.2d 169, 171 (Tex. App.—San Antonio 1998, no pet.)).

36. Thus, as in *Ghiasinejad* and *Brauss*, the Court should strike Intervenors’ Petition on the basis that it “would have caused unnecessary confusion and complicate[] the already difficult [statutory and regulatory] issues” at stake in this lawsuit. *Id.*

C. Intervention is not essential to protect the Intervenors’ interests.

37. Third, the intervention is not essential to protect Intervenors’ interests. *See Guaranty Fed.*, 793 S.W.2d at 657; *Ghiasinejad*, 109 S.W.3d at 70. Clearly, there are other avenues available to Intervenors to pursue their interests – Intervenors are actively pursuing their claims against the County in their concurrent Federal Lawsuit, which they have incorporated in its entirety in their Petition in Intervention. *See* Pet. in Intervention ¶ 2.7 (“Graham adopts and incorporates the facts, arguments and authority set forth in its Original Compliant, Request for Injunctive Relief, and Request for Declaratory Relief for all purposes as if set forth verbatim.”).

38. Intervenors have no need to duplicate their Federal Lawsuit within the State’s action to enforce the Texas Water Code, Texas Health and Safety Code, and TCEQ Rules.

D. Intervenors are “interlopers” who should not be permitted to disrupt this lawsuit.

39. Finally, Intervenors’ consistent adversarial and uncooperative behavior towards the County, whereby they have sought to obstruct and hinder the County from conducting its post-

closure maintenance of the Landfill, demonstrates the Intervenor's intent to "disrupt the proceedings," rather than seek the affirmative relief sought by the State in this lawsuit.

40. Intervenor's purchased the Property *after* the County voted that Graham's proposed use of the Property as an auto salvage yard was incompatible with the County's post-closure maintenance obligations. Since that time, Intervenor's have not cooperated with the County's post-closure and maintenance objectives towards the Property and have rendered the County's post-closure activities at the Property nearly impossible to perform by baiting feral hogs and repeatedly delaying or denying the County and its contractors access to the Property. Intervenor's actions have forced the County into initiating the Condemnation Lawsuit to acquire the Property in Travis County probate court, in order to allow the County to complete the TCEQ's requested post-closure activities at the Landfill.

41. Intervenor's consistent behavior suggests they have little interest in "cleanup and remediation" of the Property. Rather, Intervenor's purchased a property that the County had already deemed unsuitable for use as an auto salvage yard, and now seek to bully the County to reverse its decision through multiple lines of litigation.

V. PRAYER

WHEREFORE, the County respectfully prays that the Court strike Graham Development Corporation and Moo Moo Meadows LLC's Petition in Intervention, and that the Court award the County all other and further legal and/or equitable relief to which it is justly entitled.

Respectfully submitted,

By: /s/ Deborah C. Trejo
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**ATTORNEYS FOR
DEFENDANT TRAVIS COUNTY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent to all counsel of record in accordance with the Texas Rules of Civil Procedure via the Court's electronic filing system, on this 24th day of February 2026.



Erin Fonken

EXHIBIT 1

CAUSE NO. D-1-GN-25-003457

STATE OF TEXAS,

Plaintiffs,

v.

TRAVIS COUNTY, TEXAS

Defendants.

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§
§

IN THE DISTRICT COURT

459TH JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

UNSWORN DECLARATION OF DAVID PEYTON

My name is David Peyton and I am an employee of Travis County, a political subdivision of the State of Texas, the Defendant in this lawsuit. I am the Assistant Director for Environmental Programs of the Travis County Transportation and Natural Resources Department. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the following is true and correct:

One of my assigned duties is to supervise the maintenance and post-closure operations of the property colloquially known as the "290 Landfill." This property is the subject of the TCEQ's enforcement action made the basis of this suit.

As a result of my duties, I have had numerous and frequent communications with Corbin Graham who is the representative of Moo Moo Meadows, LLC, the current owner of the 290 Landfill. Mr. Graham also owns or operates Graham Development Corporation. Moo Moo Meadows acquired the 290 Landfill from the previous owners in February 2024.

After this acquisition, Mr. Graham has on several occasions changed the locks on the access gate for the landfill portion of the property or placed chains on the gates to prevent Travis County's access, and has often stated that Travis County may not enter the property without his permission and/or presence. These actions have resulted in numerous delays and increased costs for Travis County's contractors and employees who are attempting to maintain the County's equipment, perform post-closure maintenance obligations, and repair damage to the landfill cap and/or equipment which removes leachate. Leachate is a common byproduct of closed landfill operations and can be best described as water that has percolated through landfill material and may originate from natural or man-made sources, including wastewater and/or septic systems associated with a Flea Market that leases portions of the 290 Landfill property from the current owner. This leachate is the alleged source of contaminants that Moo Moo Meadows and Graham Development Corporation claim have damaged the 290 Landfill property and for which they seek to recover economic damages from Travis County.

Additionally, Mr. Graham has placed multiple feeder stations on the 290 Landfill property and has used those stations to feed several small herds of feral hogs. This activity has increased the number of feral hogs present on the property. Over the past year, the overall number of hogs grew to at least 200 animals and, despite extensive trapping and removal efforts by Travis County to reduce

the number to less than 5, the population has rebounded and grown to over 100 animals. Prior to Mr. Graham's placement of these feeder stations, the 290 Landfill property did not have any large packs of feral hogs on the property. These feral hogs tear up the landfill cover, exposing trash waste and allowing leachate to reach the surface. While the hogs are present, Travis County will continue to struggle to adequately maintain the landfill cover; as the hogs often tear up any repairs within a few hours to days.

As a result, Travis County has been required to retain the services of a professional hog trapper on two separate occasions to substantially reduce the feral hog population and enable proper maintenance and repair of the landfill cover. Mr. Graham has been resistant to the use of trapping as a means of control, preferring instead to try to hunt the feral hogs for sport – a measure that is ineffective given their large numbers.

Attached to this Declaration are several non-exhaustive examples of our communications with Mr. Graham concerning access to the landfill and Travis County's concerns about damage to the landfill resulting from the presence of the feral hogs, reflecting some of the actions I summarized above.

In short, Mr. Graham's actions have caused and/or significantly contributed to Travis County's ongoing challenges to access, repair, and maintain the landfill cover and leachate collection system in a timely manner for the past two years.

Executed in Travis County, Texas on this 20th day of February, 2026.

A handwritten signature in black ink, appearing to read "D. Peyton" followed by a stylized flourish.

David Peyton
Travis County Assistant Director for Environmental
Programs



RE: 290 access lock changed

From Brady Ansley <Brady.Ansley@traviscountytx.gov>

Date Fri 8/30/2024 11:27 AM

To David Peyton <David.Peyton@traviscountytx.gov>

Cc Yaira Robinson <Yaira.Robinson@traviscountytx.gov>; James Nickell <James.Nickell@traviscountytx.gov>; Jon White <Jon.White@traviscountytx.gov>

Update to the update:

Text from SCS – their tech spoke with the flea market manager, and she said someone broke in last night and they had to use a different lock. She is working on replacing the key lock.

Thank You

Brady Ansley
Environmental Specialist Senior
Travis County Environmental Quality
m: 512-844-3424

From: Brady Ansley

Sent: Friday, August 30, 2024 10:02 AM

To: David Peyton <David.Peyton@traviscountytx.gov>

Cc: Yaira Robinson <Yaira.Robinson@traviscountytx.gov>; James Nickell <James.Nickell@traviscountytx.gov>; Jon White <Jon.White@traviscountytx.gov>

Subject: RE: 290 access lock changed

Updates:

SCS tech waited for a bit and one of the flea market office ladies arrived, and she called someone to come open the gate. He is there doing inspection right now and will stop by flea market office later to see if the manager is in and ask about the lock. Flea Market staff is typically onsite on Mondays and Fridays.

Thank You

Brady Ansley
Environmental Specialist Senior
Travis County Environmental Quality
m: 512-844-3424

From: David Peyton <David.Peyton@traviscountytx.gov>

Sent: Friday, August 30, 2024 7:56 AM

To: Brady Ansley <Brady.Ansley@traviscountytx.gov>

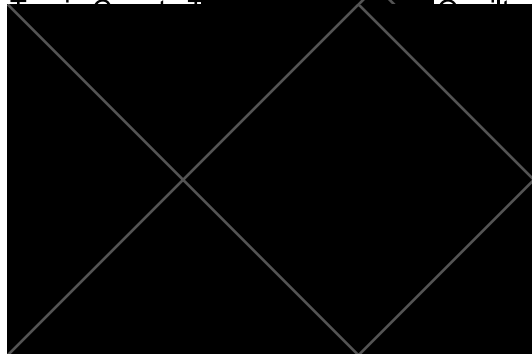
Cc: Yaira Robinson <Yaira.Robinson@traviscountytx.gov>; James Nickell <James.Nickell@traviscountytx.gov>; Jon White <Jon.White@traviscountytx.gov>

Subject: RE: 290 access lock changed

Do you mean the access point from 290 has been closed off or do you mean our access point to the area where our wells are located?

Thanks for the

David Peyton
MS4 Environmental Engineer
Storm Water Management
Travis County



David.Peyton@traviscountytx.gov

Cc: David Peyton <David.Peyton@traviscountytx.gov>; Yaira Robinson <Yaira.Robinson@traviscountytx.gov>

Subject: 290 access lock changed

Importance: High

Jon,

SCS contacted me this morning to let me know that the combo lock on the main flea market gate has been replaced by a key lock and they cannot access this morning.

Thank You

Brady
Environmental Specialist Senior
Travis County Environmental Quality
m: 5

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Outlook

t 290 Landfill Tomorrow

Date Thu 11/14/2024 12:54 PM

To Jon White <Jon.White@traviscountytx.gov>

Cc David Peyton <David.Peyton@traviscountytx.gov>; Ann Greenberg <Ann.Greenberg@traviscountytx.gov>; Christopher Gilmore <Christopher.Gilmore@traviscountytx.gov>; Cynthia Veidt <Cynthia.Veidt@traviscountytx.gov>; Cynthia McDonald <Cynthia.McDonald@traviscountytx.gov>

CAUTION: This email is from OUTSIDE Travis County. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious.

What time are you meeting?

Please explain how lethally removing the hogs exacerbates the hog problem?

Per item 6 of the cooperation agreement you need to provide updates to me. You have provided no update on what you're doing with in the photo below, at any activities to date except this hog notice.

I informed you of the hog problem last year twice.

I also need to see your communication with TCEQ. You are in violation item 6 of the cooperation agreement.

Without your cooperation I will be forced to lock you out of the landfill until you comply.

Thanks, Corbin





Travis County staff will be meeting with a consultant at the 290 Landfill tomorrow to discuss strategies and procedures for trapping and removing feral hogs.

Feral hogs are causing damage to the landfill cap in a number of areas on and around the landfill. Removal of the hogs is necessary to allow disturbed areas to be stabilized.

Tomorrow's activities may include initial placement of hog traps or other equipment to facilitate live capture.

We have seen evidence of hog baiting and shooting of hogs on site. These activities may exacerbate the existing hog problem.

We will be evaluating live capture and removal, and we discourage baiting and shooting at this time as it may conflict with the capture effort.

Jon A. White

Travis County

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[CAUTION EXTERNAL] Re: Meeting with Hog Trappers at 290 Landfill Tomorrow

From Corbin Graham [REDACTED]**Date** Thu 11/14/2024 1:54 PM**To** Jon White <Jon.White@traviscountytx.gov>**Cc** David Peyton <David.Peyton@traviscountytx.gov>; Ann Greenberg <Ann.Greenberg@traviscountytx.gov>; Christopher Gilmore <Christopher.Gilmore@traviscountytx.gov>; Cynthia Veidt <Cynthia.Veidt@traviscountytx.gov>; Cynthia McDonald <Cynthia.McDonald@traviscountytx.gov>

CAUTION: This email is from OUTSIDE Travis County. Links or attachments may be dangerous. Click the First Alert button above if you think this email is malicious.

Hi Jon,

I have a concern about the expense to trap 100's of hogs vs actually addressing the leachate. The chemicals in the leachate are being consumed regularly, which can lead to genetic modification due to chronic exposure to pollutants that can lead to epigenetic changes. These changes can be heritable to a degree and might influence health outcomes in subsequent generations. It's not safe to place modified hogs into the wild. It's much more cost effective and environmentally safe to kill them.

Thanks, Corbin

Corbin Graham
Graham Development
[REDACTED]

On Thu, Nov 14, 2024 at 12:54 PM Corbin Graham [REDACTED] wrote:
What time are you meeting?

Please explain how lethally removing the hogs exacerbates the hog problem?

Per item 6 of the cooperation agreement you need to provide updates to me. You have provided no update on what you're doing with in the photo below, at any activities to date except this hog notice.

I informed you of the hog problem last year twice.

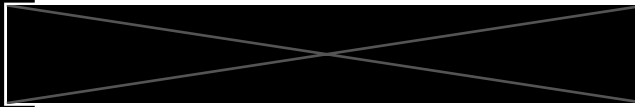
I also need to see your communication with TCEQ. You are in violation item 6 of the cooperation agreement.

Without your cooperation I will be forced to lock you out of the landfill until you comply.

Thanks, Corbin



Corbin Graham
Graham Development



4, 2024 at 12:33 PM Jon White <Jon.White@traviscountytx.gov> wrote:

Travis County staff will be meeting with a consultant at the 290 Landfill tomorrow to discuss strategies and procedures for trapping and removing feral hogs.

Feral hogs are causing damage to the landfill cap in a number of areas on and around the landfill. Removal of the hogs is necessary to allow disturbed areas to be stabilized.

Tomorrow's activities may include initial placement of hog traps or other equipment to facilitate live capture.

We have seen evidence of hog baiting and shooting of hogs on site. These activities may exacerbate the existing hog problem.

We will be evaluating live capture and removal, and we discourage baiting and shooting at this time as it may conflict with the capture effort.

Jon A. White

Travis County

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Possible lockout of 290 landfill

From Brady Ansley <Brady.Ansley@traviscountytexas.gov>

Date Sat 11/16/2024 11:12 AM

To Jon White <Jon.White@traviscountytexas.gov>

Cc Yaira Robinson <Yaira.Robinson@traviscountytexas.gov>; David Peyton <David.Peyton@traviscountytexas.gov>; Ryan Petr <Ryan.Petr@traviscountytexas.gov>; Kiersten Ivy <Kiersten.Ivy@traviscountytexas.gov>; Ann Greenberg <Ann.Greenberg@traviscountytexas.gov>; Christopher Gilmore <Christopher.Gilmore@traviscountytexas.gov>; Cynthia Veidt <Cynthia.Veidt@traviscountytexas.gov>

 1 attachment (301 KB)

20241116_014519606_iOS.jpg;

Good morning, Jon

Received the below email today from Joe Ortiz with SCS, our contractor at the landfill. Apparently, the chain on the inner gate has been replaced. Also attached is a screenshot Joe sent me via text message of a conversation with the owner. I will try to get more information as I can.

Thanks,
Brady Ansley
Environmental Specialist Senior

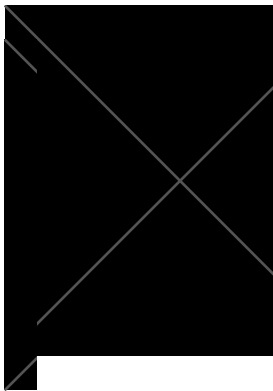
From: Ortiz, Joe [REDACTED]
Sent: Saturday, November 16, 2024 10:06:50 AM
To: Brady Ansley <Brady.Ansley@traviscountytexas.gov>
Cc: Palmer, Willa [REDACTED] Lewallen, Jason [REDACTED] Ewing, Kathlene [REDACTED]
Subject: [CAUTION EXTERNAL] Travis County 290

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Brady,

Jake pulled up to 290 yesterday around 7 pm to park his trailer for use today, and upon arrival he noticed the inner gate to the landfill had a new chain and lock on it. There was a sign on the gate to call a number to gain entrance; he called the number, which I believe to be the owner, and he was a little upset Jake was showing up at 7 p.m., but Jake explained to him that we normally park our trailers there overnight. Regardless, he did not give up the gate combo and stated Travis County is not the owner, and that he was. He also said we would need documentation to gain entrance. At this point we are going to stay away until you guys sort this out.

Thanks



7:41

5G 39%



how that contract accomplishes what specific requirements in the post closure permit record.

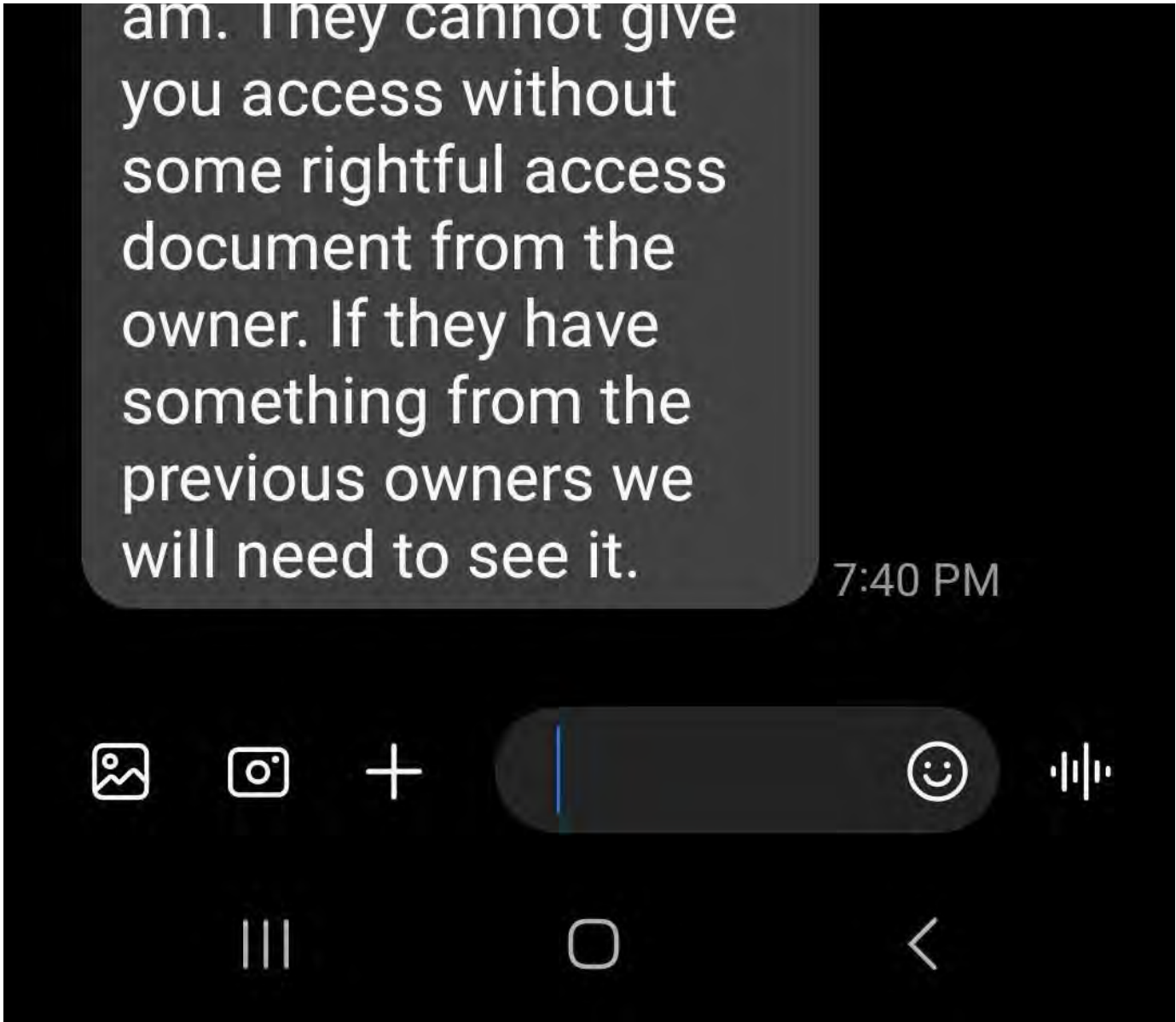
7:37 PM

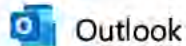
If you can provide legal evidence of your right to access as well.

Thank you

7:38 PM

FYI Travis County is not the landowner, I





Outlook

Re: Possible lockout of 290 landfill

From Brady Ansley <Brady.Ansley@traviscountytx.gov>**Date** Mon 11/18/2024 12:07 PM**To** Ryan Petr <Ryan.Petr@traviscountytx.gov>; David Peyton <David.Peyton@traviscountytx.gov>; Kiersten Ivy <Kiersten.Ivy@traviscountytx.gov>**Cc** Jon White <Jon.White@traviscountytx.gov> 2 attachments (3 MB)

IMG_2070.jpeg; IMG_2071.jpeg;

Morning update. Stopped by right before noon and documented new lock and chain on gate. Our combo did not work.

Thanks,
Brady Ansley
Environmental Specialist Senior



From: Ryan Petr <Ryan.Petr@traviscountytx.gov>**Sent:** Monday, November 18, 2024 11:28:24 AM**To:** David Peyton <David.Peyton@traviscountytx.gov>; Kiersten Ivy <Kiersten.Ivy@traviscountytx.gov>**Cc:** Brady Ansley <Brady.Ansley@traviscountytx.gov>; Jon White <Jon.White@traviscountytx.gov>**Subject:** RE: Possible lockout of 290 landfill

Good morning all,

I spoke with Cole from Lone Star Trapping. They are okay with being on "hold" until we get confirmation on site access again. Cole also confirmed that the hogs will be removed from the property humanely/alive and will be taking to a state-run holding facility. He will either use the one near Abeline or one outside of Waco.

Best Regards,

Environmental Specialist Sr.
Travis County Transportation and Natural Resources
Environmental Quality
ryan.petr@traviscountytx.gov



From: David Peyton <David.Peyton@traviscountytexas.gov>
Sent: Monday, November 18, 2024 9:04 AM
To: Ryan Petr <Ryan.Petr@traviscountytexas.gov>; Kiersten Ivy <Kiersten.Ivy@traviscountytexas.gov>
Subject: FW: Possible lockout of 290 landfill
Importance: High

The hog man is on hold for time being.

Please let them know we are having access issues and will be in touch soon.

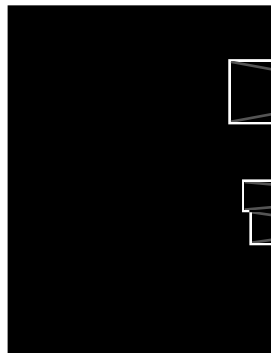
DP

From: Brady Ansley <Brady.Ansley@traviscountytexas.gov>
Sent: Saturday, November 16, 2024 11:13 AM
To: Jon White <Jon.White@traviscountytexas.gov>
Cc: Yaira Robinson <Yaira.Robinson@traviscountytexas.gov>; David Peyton <David.Peyton@traviscountytexas.gov>; Ryan Petr <Ryan.Petr@traviscountytexas.gov>; Kiersten Ivy <Kiersten.Ivy@traviscountytexas.gov>; Ann Greenberg <Ann.Greenberg@traviscountytexas.gov>; Christopher Gilmore <Christopher.Gilmore@traviscountytexas.gov>; Cynthia Veidt <Cynthia.Veidt@traviscountytexas.gov>
Subject: Possible lockout of 290 landfill
Importance: High

Good morning, Jon

Received the below email today from Joe Ortiz with SCS, our contractor at the landfill. Apparently, the chain on the inner gate has been replaced. Also attached is a screenshot Joe sent me via text message of a conversation with the owner. I will try to get more information as I can.

Thanks,
Brady Ansley
Environmental Specialist Senior



per 16, 2024 10:06:50 AM

Brady.Ansley@traviscountytexas.gov



INTERNAL] Travis County 290

; Lewallen, Jason



Ewing,

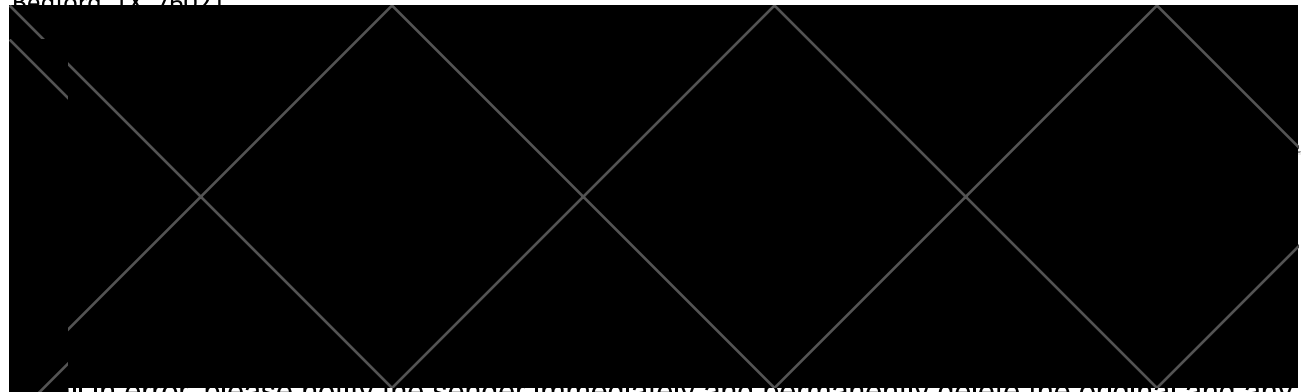
This email is from OUTSIDE Travis County. Links or attachments may be dangerous. Click here to block all such emails if you think this email is malicious.



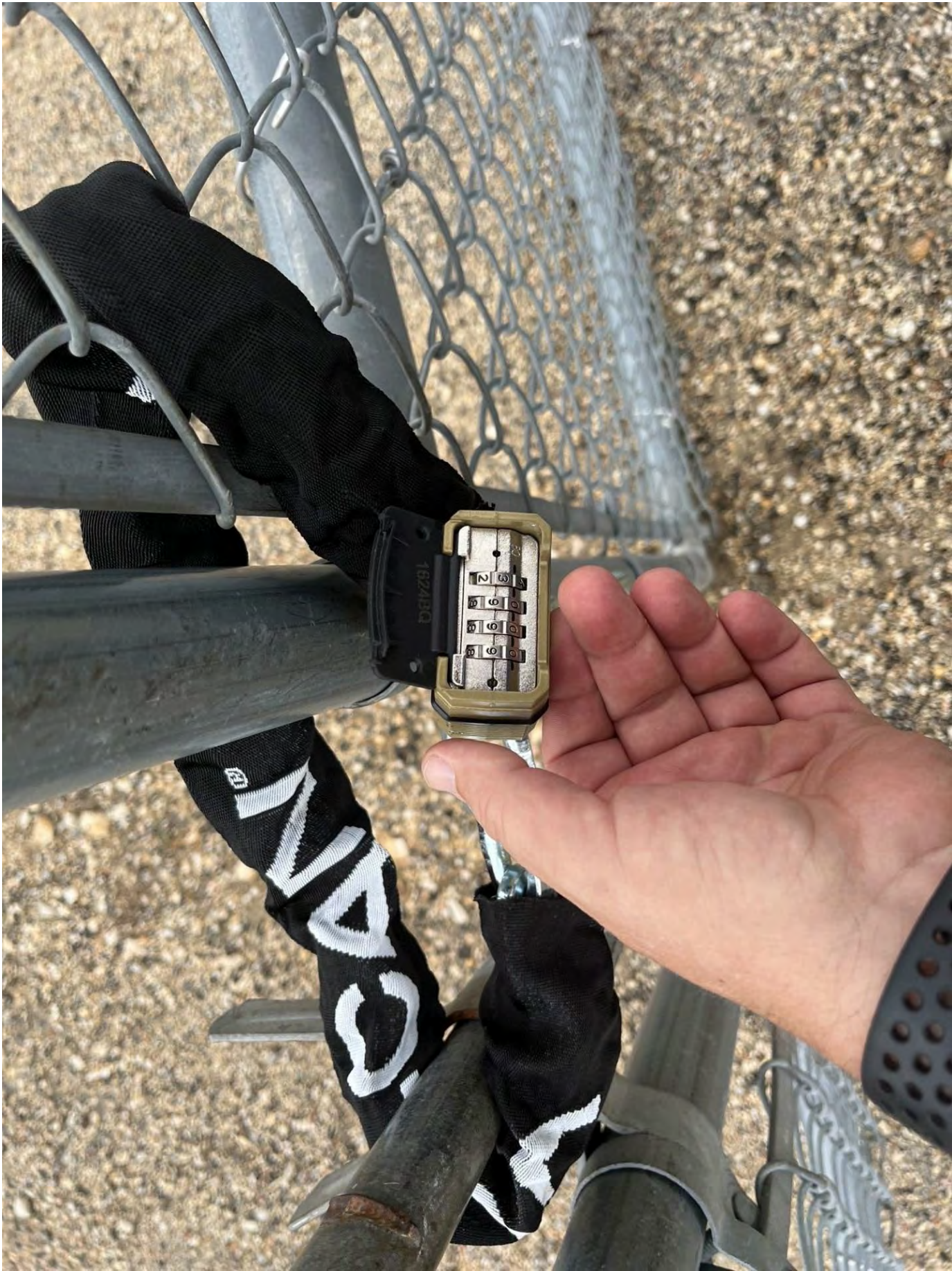
Jake pulled up to 290 yesterday around 7 pm to park his trailer for use today, and upon arrival he noticed the inner gate to the landfill had a new chain and lock on it. There was a sign on the gate to call a number to gain entrance; he called the number, which I believe to be the owner, and he was a little upset Jake was showing up at 7 p.m., but Jake explained to him that we normally park our trailers there overnight. Regardless, he did not give up the gate combo and stated Travis County is not the owner, and that he was. He also said we would need documentation to gain entrance. At this point we are going to stay away until you guys sort this out.

Thanks

Joe M. Ortiz
SCS Field services
Project Manager
1901 Central Drive
Suite 550
Bedford, TX 76021



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356.0054



RE: 290 Landfill access

From: Jon White <Jon.White@traviscountytx.gov>

Date: Mon 12/2/2024 2:15 PM

To: Brady Ansley <Brady.Ansley@traviscountytx.gov>

Cc: Yaira Robinson <Yaira.Robinson@traviscountytx.gov>; Ann Greenberg <Ann.Greenberg@traviscountytx.gov>; Cynthia McDonald <Cynthia.McDonald@traviscountytx.gov>; Sydnia Crosbie <Sydnia.Crosbie@traviscountytx.gov>; David Peyton <David.Peyton@traviscountytx.gov>; Christopher Gilmore <Christopher.Gilmore@traviscountytx.gov>

Thank you, Brady.

For others - Text communications between SCS representative who wanted to get onsite to check on equipment and Mr. Graham from Saturday 11/30.

Jon White

From: Brady Ansley <Brady.Ansley@traviscountytx.gov>

Sent: Monday, December 2, 2024 8:20 AM

To: David Peyton <David.Peyton@traviscountytx.gov>; Jon White <Jon.White@traviscountytx.gov>

Cc: Yaira Robinson <Yaira.Robinson@traviscountytx.gov>

Subject: FW: 290

I just received this from SCS. I had not authorized the contact or entry.

Thank You

Brady Ansley
Environmental Specialist Senior
Travis County Environmental Quality


From: Ortiz, Joe 

Sent: Monday, December 2, 2024 8:15 AM

To: Brady Ansley <Brady.Ansley@traviscountytx.gov>

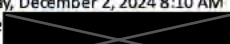
Subject: [CAUTION EXTERNAL] FW: 290

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Brady, I had Ben go on site and turn off the air compressor. I guess he thinks no one works on Saturday. See his comments and what he's requiring.

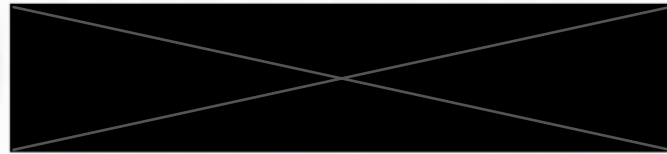
From: Ortiz, Joe 

Sent: Monday, December 2, 2024 8:10 AM

To: Ortiz, Joe 

Subject: 

8:05   TEMU TEMU •      98% 



allowed on site I'm
worried we may burn it
up for lack of oil.

9:29 AM

Thak you

You are allowed on
site. I told you you
need to make an
appointment

9:38 AM

It's Saturday. You
should start planning
in advance if you don't
want equipment to
break. I assume you
have a schedule?

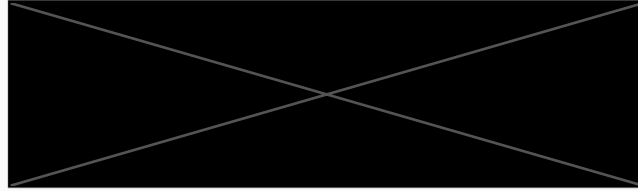
Have a schedule:

Also I'll need all the drawings and sealed plan for the equipment you are servicing.

9:39



8:05   TEMU TEMU •      98% 

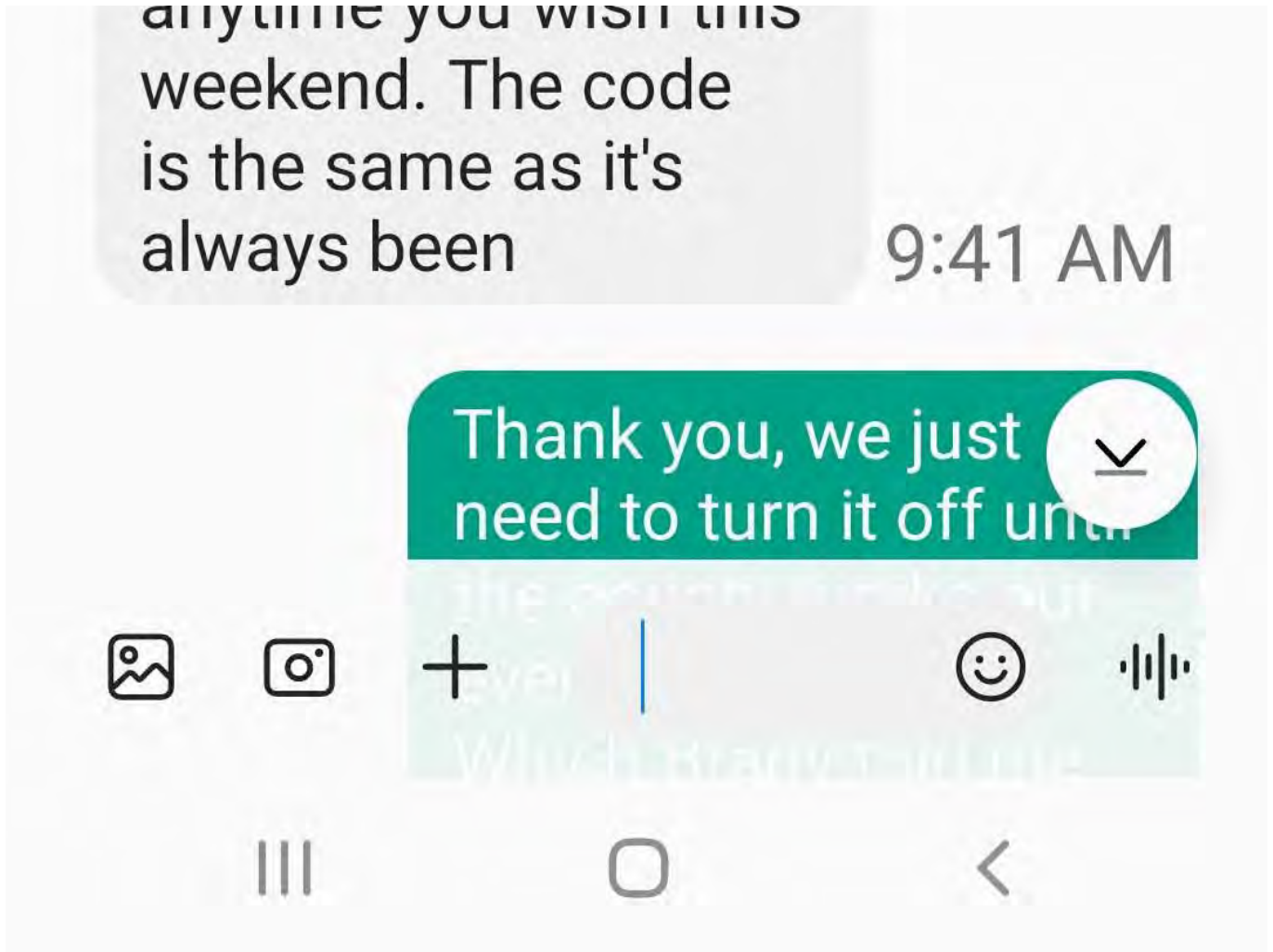


It's Saturday. You should start planning in advance if you don't want equipment to break. I assume you have a schedule?

Also I'll need all the drawings and sealed plan for the equipment you are servicing.

9:39 AM

To accommodate you can access the site
anytime you wish this



Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android \[aka.ms\]](#)

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RE: Access to 290 Landfill for 12/13 and 12/16

From Ryan Petr <Ryan.Petr@traviscountytx.gov>
Date Thu 12/12/2024 10:43 AM
To David Peyton <David.Peyton@traviscountytx.gov>
Cc Brady Ansley <Brady.Ansley@traviscountytx.gov>

Thank you, hopefully Corbin can give a response soon. It might be too late to cancel the hog trapper if Corbin has an unfavorable response.

Best Regards,

Environmental Specialist Sr.
Travis County Transportation and Natural Resources
Environmental Quality
ryan.petr@traviscountytx.gov

From: David Peyton <David.Peyton@traviscountytx.gov>
Sent: Thursday, December 12, 2024 10:33 AM
To: Ryan Petr <Ryan.Petr@traviscountytx.gov>
Cc: Brady Ansley <Brady.Ansley@traviscountytx.gov>
Subject: FW: Access to 290 Landfill for 12/13 and 12/16

fyi

From: Jon White <Jon.White@traviscountytx.gov>
Sent: Thursday, December 12, 2024 10:02 AM
To: David Peyton <David.Peyton@traviscountytx.gov>
Cc: Brady Ansley <Brady.Ansley@traviscountytx.gov>
Subject: FW: Access to 290 Landfill for 12/13 and 12/16

FYI

From: Jon White <Jon.White@traviscountytx.gov>
Sent: Thursday, December 12, 2024 9:58 AM
To: Corbin Graham
Cc: Ann Greenberg <Ann.Greenberg@traviscountytx.gov>; brad@txmunicipallaw.com; Cynthia McDonald <Cynthia.McDonald@traviscountytx.gov>
Subject: Access to 290 Landfill for 12/13 and 12/16

Mr. Graham:

This is to advise you that Travis County will require access to the 290 Landfill for tomorrow 12/13 at 11AM for staff, SCS, and our hog removal contractor. We expect to be onsite until 3-4PM. If the results of the inspection indicate the need for immediate action, we will advise you if we need additional access over the weekend.

In addition, we will require access on Monday 12/16 at 10AM to meet with TNR staff and TCEQ staff.

In addition, for the future, I propose that we provide you a weekly schedule for access to the site to provide routine maintenance, monitoring, and inspection services by SCS, other related contractors, and TNR staff. We would provide this schedule by close of business on Friday for the following week.

Also, for future, we will also need to discuss clarification regarding whether access will be provided by your staff unlocking the gate upon our arrival, whether lock combinations can be provided to County staff and SCS staff to allow regular access within the outline of our schedule, as well as reasonably anticipated irregular access that may be required to address issues identified via the results of our inspections, maintenance, and other activities.

Yours truly,
Jon A. White
Director, Natural Resources & Environmental Quality Division

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290 access issue reported today 01/30

From Brady Ansley <Brady.Ansley@traviscountytexas.gov>

Date Fri 1/31/2025 10:41 AM

To Jon White <Jon.White@traviscountytexas.gov>

Cc David Peyton <David.Peyton@traviscountytexas.gov>; Ryan Petr <Ryan.Petr@traviscountytexas.gov>; Kiersten Ivy <Kiersten.Ivy@traviscountytexas.gov>; Ann Greenberg <Ann.Greenberg@traviscountytexas.gov>; Leslie Dippel <Leslie.Dippel@traviscountytexas.gov>; Christopher Gilmore <Christopher.Gilmore@traviscountytexas.gov>

Good Morning

SCS reports that the gate access combo has been changed at the 290 landfill.

Thank You

Brady Ansley
Environmental Specialist Senior
Travis County Environmental Quality





FW: Access to 290 Landfill for 2/25

From Ryan Petr <Ryan.Petr@traviscountytx.gov>

Date Mon 2/24/2025 1:17 PM

To Jon White <Jon.White@traviscountytx.gov>; David Peyton <David.Peyton@traviscountytx.gov>

Cc Brady Ansley <Brady.Ansley@traviscountytx.gov>; Kiersten Ivy <Kiersten.Ivy@traviscountytx.gov>

Good afternoon,

I apologize that this is after the initial email that was sent. He was not able to respond this morning.

I was able to get a hold of the hog trapper for timing confirmation while he was on his lunch break. He has had an emergency come up that he needs to deal with tomorrow (Tuesday 2/25), and is requesting if we can push my site meeting with him to Wednesday (2/26) at 10am. He is okay with all of the other requesting times for trapping at night. Wednesday will be treated as the same event, as what we have requested below with Mr. Graham.

Would this be possible to switch? We will still be over our 24hr notice to Mr. Graham.

Best Regards,

Environmental Specialist Sr.
Travis County Transportation and Natural Resources
Environmental Quality
ryan.petr@traviscountytx.gov

From: Jon White <Jon.White@traviscountytx.gov>

Sent: Monday, February 24, 2025 12:04 PM

To: Corbin Graham [REDACTED]

Cc: Ann Greenberg <Ann.Greenberg@traviscountytx.gov>; Brad Bullock [REDACTED] Cynthia McDonald <Cynthia.McDonald@traviscountytx.gov>; David Peyton <David.Peyton@traviscountytx.gov>; Brady Ansley <Brady.Ansley@traviscountytx.gov>; Jim Blackburn [REDACTED] Ryan Petr <Ryan.Petr@traviscountytx.gov>

Subject: RE: Access to 290 Landfill for 2/25

Mr. Graham:

This is to advise you that Travis County will require access to the 290 Landfill for tomorrow 2/25/2025 from 12:00 PM to approximately 5:00 PM for TNR staff and our hog-trapping contractor to set up and bait a live trap in the southwestern corner of the landfill property. See the leftmost red circle in the figure below,



This is the initial complete assembly and baiting of the trap
The trapper will be remotely monitoring the trap for hog activity.
After a 48-hour acclimation period, the trapper will determine the right time to activate the trap.

Depending on activity and successful capture, the trapper may require access to remove trapped hogs during the night on

- Thursday (2/27) 7pm-6am.
- Friday (2/28) 7pm-6am.
- And possibly Saturday (3/01) 7pm-6am.

Nighttime removal is consistent with hog behavior and allows capture and removal without injury to the hogs or damage to the trap.

The hog trapper will need to be able to open the gate at night.
The hog trapper will lock the gate when leaving the site after removing hogs.

Yours truly,
Jon A. White
Director, Natural Resources & Environmental Quality Division

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[CAUTION EXTERNAL] Re: FW: Access to 290 Landfill for 08/22/2025

From Corbin Graham [REDACTED]
Date Thu 8/21/2025 8:05 AM
To David Peyton <David.Peyton@traviscountytx.gov>; Jim Blackburn [REDACTED]
Cc Ann Greenberg <Ann.Greenberg@traviscountytx.gov>; Brad Bullock [REDACTED] Cynthia McDonald <Cynthia.McDonald@traviscountytx.gov>; Brady Ansley <Brady.Ansley@traviscountytx.gov>; Ryan Petr <Ryan.Petr@traviscountytx.gov>; Emily Ackland <Emily.Ackland@traviscountytx.gov>

CAUTION: This email is from OUTSIDE Travis County. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious.

Hi David,

I may need to restrict access due to continued breaches and failure of the Travis county legal to provide the requisite updates regarding the Rabba Kistner report which was due weeks ago per their contract. If someone could provide a written update that would be very helpful and per the contract.

Thanks, Corbin

Corbin Graham
Graham Development
[REDACTED]

On Thu, Aug 21, 2025 at 7:57 AM David Peyton <David.Peyton@traviscountytx.gov> wrote:

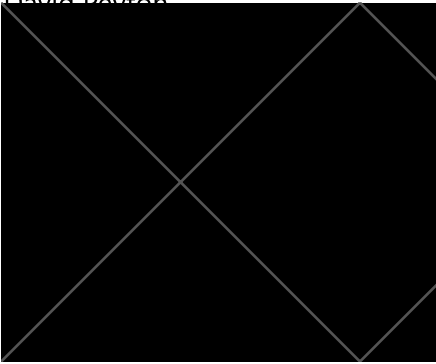
Mr. Graham:

- TNR and SCS staff will require access to the 290 Landfill on Friday, August 22nd from 8:00am - 3pm for maintenance and inspection related to the leachate collection system.

Please let me know if you have any questions or concerns the team may address related to the above notice.

Thank you and have a good day,

David Peyton



s
Quality

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From: [REDACTED]
To: David Peyton; Jim Blackburn
Cc: Ann Greenberg; Brad Bullock; Cynthia McDonald; Brady Ansley; Ryan Petr; Emily Ackland
Subject: [CAUTION EXTERNAL] Re: FW: Access to 290 Landfill for 08/22/2025
Date: Thursday, August 21, 2025 8:05:03 AM

CAUTION: This email is from OUTSIDE Travis County. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious.

Hi David,

I may need to restrict access due to continued breaches and failure of the Travis county legal to provide the requisite updates regarding the Rabba Kistner report which was due weeks ago per their contract. If someone could provide a written update that would be very helpful and per the contract.

Thanks, Corbin

Corbin Graham
Graham Development
[REDACTED]

On Thu, Aug 21, 2025 at 7:57 AM David Peyton <David.Peyton@traviscountytx.gov> wrote:

Mr. Graham:

- TNR and SCS staff will require access to the 290 Landfill on Friday, August 22nd from 8:00am - 3pm for maintenance and inspection related to the leachate collection system.

Please let me know if you have any questions or concerns the team may address related to the above notice.

Thank you and have a good day,

David Peyton

356.0194

Assistant Director, Water Resources

Travis County TNR Environmental Quality



david.peyton@traviscountytexas.gov

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[REDACTED]

From: Corbin Graham [REDACTED]
Sent: Saturday, February 15, 2025 9:51 AM
To: Ann Greenberg <Ann.Greenberg@traviscountytx.gov>; Leslie Dippel <Leslie.Dippel@traviscountytx.gov>; Jon White <Jon.White@traviscountytx.gov>; David Peyton <David.Peyton@traviscountytx.gov>; Brad Bullock [REDACTED] Cynthia McDonald <Cynthia.McDonald@traviscountytx.gov>; Brady Ansley <Brady.Ansley@traviscountytx.gov>; Jim Blackburn [REDACTED]; Wade Wheatley [REDACTED]
Subject: [CAUTION EXTERNAL] Landfill Access Restriction

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Ann,

I need to address with you the access to the property and the upgrade to enforcement that the TCEQ recently sent to Travis County.

Note that our previous lease agreement expired in 1982, and no new access agreements have been presented by Travis County to allow continued access to the property and no rents have been paid for use of the property. Despite this, ownership has extended goodwill, allowing your operations to continue without formal agreements. However, this goodwill has not been reciprocated, as evidenced by Travis County:

- Failing to meet environmental and operational standards, leading to violations.
- Not providing consistent and reliable communication with the property owner.
- Neglecting to contract engineer to address the violations in March of 2024.

It is common practice for the post-closure care operator (i.e. Travis County) to provide a Certificate of Insurance (COI) for Workers' Compensation and General Liability to the landowner (me) that include terms for subrogation. It is critical that subrogation

356.0225

rights extend to the engineer's professional liability insurance, specifically for their role in addressing the enforcement action. Such insurance would protect both your workers from occupational hazards and both parties from potential legal and financial liabilities. To date Travis County has forced this liability onto us, when we do not own the permit or designs for post closure care.

Given these points, I must insist that access to the landfill be restricted until a new access agreement is negotiated and signed.

Thanks, Corbin

--

Corbin Graham
Graham Development Co.



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From: Jon White <Jon.White@traviscountytx.gov>

Sent: Monday, February 24, 2025 12:04 PM

To: Corbin Graham [REDACTED]

Cc: Ann Greenberg <Ann.Greenberg@traviscountytx.gov>; Brad Bullock

[REDACTED]; Cynthia McDonald <Cynthia.McDonald@traviscountytx.gov>; David Peyton <David.Peyton@traviscountytx.gov>; Brady Ansley <Brady.Ansley@traviscountytx.gov>; Jim Blackburn [REDACTED]; Ryan Petr <Ryan.Petr@traviscountytx.gov>

Subject: RE: Access to 290 Landfill for 2/25

Mr. Graham:

This is to advise you that Travis County will require access to the 290 Landfill for tomorrow 2/25/2025 from 12:00 PM to approximately 5:00 PM for TNR staff and our hog-trapping contractor to set up and bait a live trap in the southwestern corner of the landfill property. See the leftmost red circle in the figure below,



This is the initial complete assembly and baiting of the trap

The trapper will be remotely monitoring the trap for hog activity.

After a 48-hour acclimation period, the trapper will determine the right time to activate the trap.

Depending on activity and successful capture, the trapper may require access to remove trapped hogs during the night on

356.0227

- Thursday (2/27) 7pm-6am.
- Friday (2/28) 7pm-6am.
- And possibly Saturday (3/01) 7pm-6am.

Nighttime removal is consistent with hog behavior and allows capture and removal without injury to the hogs or damage to the trap.

The hog trapper will need to be able to open the gate at night.

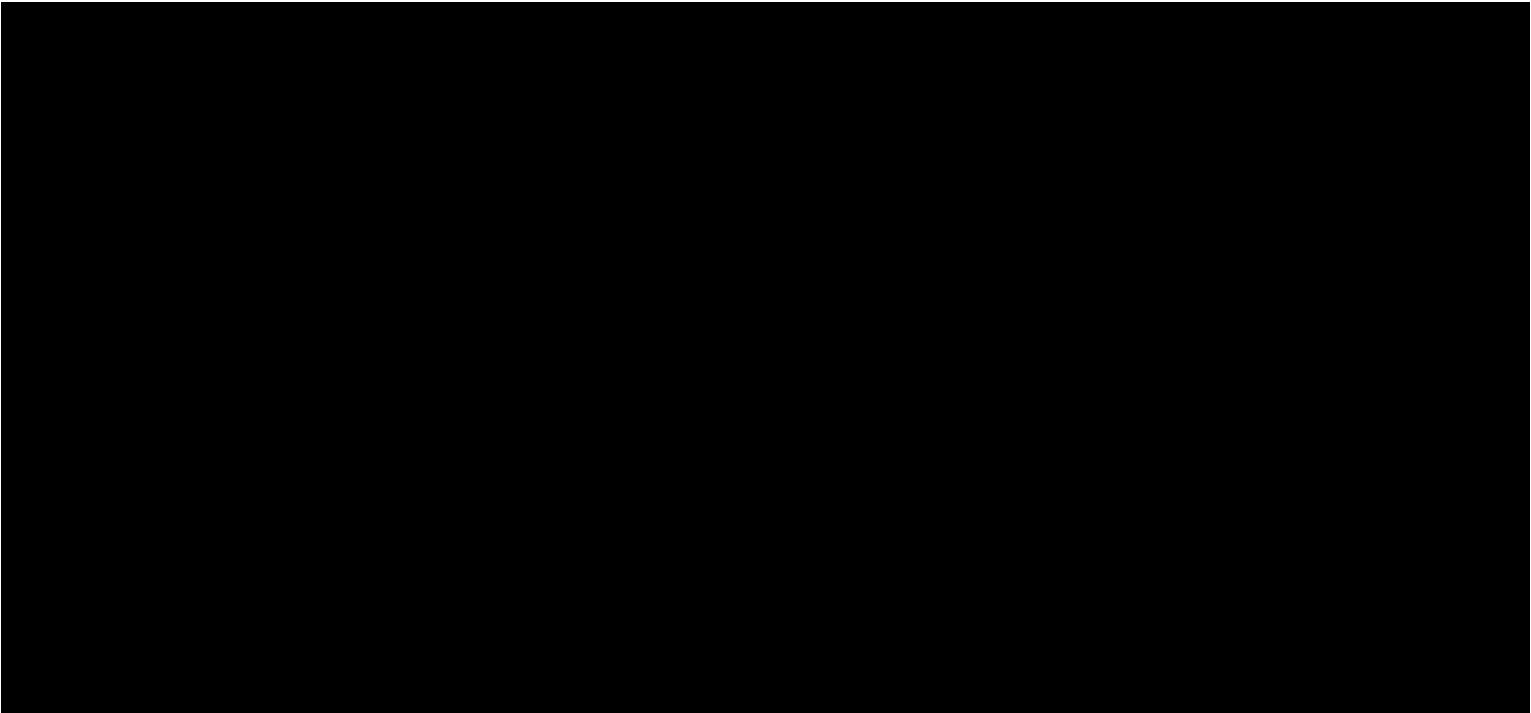
The hog trapper will lock the gate when leaving the site after removing hogs.

Yours truly,

Jon A. White

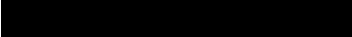
Director, Natural Resources & Environmental Quality Division

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From: Ann Greenberg

Sent: Monday, April 7, 2025 7:45 AM

To: Jim Blackburn 

Cc: Leslie Dippel <Leslie.Dippel@traviscountytexas.gov>

Subject: RE: Access to 290 Landfill for 4/7

Jim,

The TNR team has shared with me that Travis County is not collecting samples today. The County is escorting the City for the City to have access to sample the leachate as part of the City's process.

Please advise as to whether the City may proceed today.

Ann

Ann E. Greenberg

Assistant Director

Civil Transactions and Land Use Division

Travis County Attorney's Office

P.O. Box 1748

Austin, Texas 78767

ann.greenberg@traviscountytexas.gov

Phone: 

356.0229



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From: Jim Blackburn [REDACTED]
Sent: Saturday, April 5, 2025 8:43 PM
To: Jon White <Jon.White@traviscountytx.gov>
Cc: Graham Corbin [REDACTED] Ann Greenberg
<Ann.Greenberg@traviscountytx.gov>; Bullock Brad <[REDACTED]> Cynthia
McDonald <Cynthia.McDonald@traviscountytx.gov>; David Peyton
<David.Peyton@traviscountytx.gov>; Brady Ansley <Brady.Ansley@traviscountytx.gov>; Ryan Petr
<Ryan.Petr@traviscountytx.gov>
Subject: [CAUTION EXTERNAL] Re: Access to 290 Landfill for 4/7

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Jon. Jim Blackburn here. We would like to split samples with you and would like to accompany you when you do the testing. Monday won't work for us on such short notice. Let us check on our experts and we will get back to you on an acceptable time for us. Thank you in advance for your cooperation. Blackburn

Sent from Blackburn's iPhone

On Apr 5, 2025, at 6:45 PM, Jon White <Jon.White@traviscountytx.gov> wrote:

Mr. Graham:

Travis County staff and City of Austin staff will require access to the 290 Landfill on Monday April 7 at various intervals between approximately 9:00 AM and 4:00PM for leachate sampling and related activities.

356.0230

Yours truly,
Jon A. White
Director, Natural Resources & Environmental Quality Division

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[REDACTED]

[REDACTED]

[REDACTED]

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From: Corbin Graham [REDACTED]
Sent: Friday, September 26, 2025 8:53 AM
To: Ann Greenberg <Ann.Greenberg@traviscountytx.gov>
Cc: Brad Bullock <[REDACTED]>; Cynthia McDonald <Cynthia.McDonald@traviscountytx.gov>; Brady Ansley <Brady.Ansley@traviscountytx.gov>; Jim Blackburn <[REDACTED]>; Ryan Petr <Ryan.Petr@traviscountytx.gov>; Emily Ackland <Emily.Ackland@traviscountytx.gov>; David Peyton <David.Peyton@traviscountytx.gov>; Cynthia Veidt <Cynthia.Veidt@traviscountytx.gov>
Subject: [CAUTION EXTERNAL] Re: Access to 290 Landfill for 09/26/2025

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Hello Ann,

I assumed that after numerous discussions and PIR requested that if you had the license you would have provided it to us. I don't know who you sent to iron mountain to find it but I hope you give them some extra time off.

Unfortunately I locked the gate and I'm out of town. So would you please reschedule your visit. And we will allow access going forward.

Like many elements of our dispute, a reasonable good faith effort to collaborate on your part would waste less of both our time and money, excuse me, the tax payers money.

Thank you, Corbin

Corbin Graham
Graham Development



On Thu, Sep 25, 2025 at 12:21 PM Ann Greenberg <Ann.Greenberg@traviscountytexas.gov> wrote:

Brad,

I refer you to Defendant's Motion to Dismiss, Exhibit B, including pages 25-32 of Exhibit B. The motion and exhibits are attached for your ease of reference.

Best,

Ann

Ann E. Greenberg

Assistant County Attorney
Civil Transactions and Land Use Division, Assistant Director
Travis County Attorney's Office
P.O. Box 1748
Austin, Texas 78767
ann.greenberg@traviscountytexas.gov
Phone: [REDACTED]



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please contact the sender by reply e-mail and destroy all copies of the original message, immediately.

From: Brad Bullock [REDACTED]
Sent: Thursday, September 25, 2025 11:23 AM
To: Ann Greenberg <Ann.Greenberg@traviscountytx.gov>
Cc: Cynthia McDonald <Cynthia.McDonald@traviscountytx.gov>; Brady Ansley <Brady.Ansley@traviscountytx.gov>; Jim Blackburn [REDACTED]; Ryan Petr <Ryan.Petr@traviscountytx.gov>; Emily Ackland <Emily.Ackland@traviscountytx.gov>; Corbin Graham [REDACTED]; David Peyton <David.Peyton@traviscountytx.gov>; Cynthia Veidt <Cynthia.Veidt@traviscountytx.gov>
Subject: [CAUTION EXTERNAL] Re: Access to 290 Landfill for 09/26/2025

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Dear Ms. Greenberg,

Given the pending litigation and the County's recent decision to notify my client that it intends to condemn the property in question, our attempts at cooperation with the County have not borne fruit. Accordingly, we require a copy of the license to enter the property in question before we will agree to further entry thereon by County staff or third-party vendors related to routine maintenance and inspection of the landfill. Please provide it at your earliest convenience. If you are unable to provide it, we expect the County to sit down and negotiate the terms of a new license and other matters. I look forward to your response.

Bradford Bullock

Bradford E. Bullock
Partner



4201 W. Parmer Ln • Ste. C [REDACTED] [REDACTED] 150 • Austin, TX 78727 • Phone: 512.600.2308 •

[REDACTED]
[REDACTED] • www.txmunicipallaw.com

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From: David Peyton <David.Peyton@traviscountytx.gov>
Date: Thursday, September 25, 2025 at 7:19 AM
To: Corbin Graham [REDACTED]
Cc: Ann Greenberg <Ann.Greenberg@traviscountytx.gov>, Brad Bullock [REDACTED], Cynthia McDonald <Cynthia.McDonald@traviscountytx.gov>, Brady Ansley <Brady.Ansley@traviscountytx.gov>, Jim Blackburn [REDACTED], Ryan Petr <Ryan.Petr@traviscountytx.gov>, Emily Ackland <Emily.Ackland@traviscountytx.gov>
Subject: RE: Access to 290 Landfill for 09/26/2025

Mr. Graham:

- TNR and SCS staff will require access to the 290 Landfill on Friday 09/26 from 8:30-4 pm routine inspections and maintenance.

Please let me know if you have any questions or concerns the team may address related to the above notice.

Thank you and have a good day,

David Peyton
Assistant Director, Water Resources

Travis County TNR Environmental Quality



david.peyton@traviscountytx.gov

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[REDACTED]

[REDACTED]

[REDACTED]

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From: David Peyton <David.Peyton@traviscountytx.gov>
Sent: Wednesday, December 17, 2025 12:49 PM
To: Cynthia Veidt <Cynthia.Veidt@traviscountytx.gov>; Deborah Trejo <deborah.trejo@kempsmith.com>; Drew Miller <drew.miller@kempsmith.com>
Cc: Cynthia McDonald <Cynthia.McDonald@traviscountytx.gov>; Brady Ansley <Brady.Ansley@traviscountytx.gov>; Ryan Petr <Ryan.Petr@traviscountytx.gov>; Emily Ackland <Emily.Ackland@traviscountytx.gov>; Ann Greenberg <Ann.Greenberg@traviscountytx.gov>
Subject: RE: [CAUTION EXTERNAL] Re: Access to 290 Landfill for 12/13/2025 to 12/19/2025

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Corbin Graham [REDACTED]
Sent: Wednesday, December 17, 2025 12:36 PM
To: David Peyton <David.Peyton@traviscountytx.gov>
Cc: Ann Greenberg <Ann.Greenberg@traviscountytx.gov>; Brad Bullock [REDACTED]; Cynthia McDonald <Cynthia.McDonald@traviscountytx.gov>; Brady Ansley <Brady.Ansley@traviscountytx.gov>; Jim Blackburn [REDACTED]; Ryan Petr <Ryan.Petr@traviscountytx.gov>; Emily Ackland <Emily.Ackland@traviscountytx.gov>
Subject: [CAUTION EXTERNAL] Re: Access to 290 Landfill for 12/13/2025 to 12/19/2025

CAUTION: This email is from OUTSIDE Travis County. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious.

Hi David,

I am writing to inform you that we have directed your skid steer operator to stop work effective today (December 17, 2025).

You indicated that the crew is repairing damage caused by wildlife activity. However, the work in question appears to involve covering areas with dirt over known leachate outbreaks, which are the subject of ongoing litigation.

Please provide a detailed engineering rationale explaining the placement of soil over leachate seeps, including the specific technical benefits this practice is intended to achieve in addressing the underlying issues. From our perspective, we are unable to determine how this measure materially resolves the violations. It appears that the TCEQ shares this view, as these activities have not been deemed sufficient to halt the state's enforcement action.

We regard this approach not as a legitimate remedy, but as an attempt to conceal the problem rather than correct it.

Furthermore, we require detailed reports on the maintenance activities currently being performed by SCS Engineers at the site.

Specifically, please provide the following for each maintenance task:

- A clear description of the work being performed, including the location(s) on the site;
- The stated purpose and objective of the activity;
- The engineering rationale supporting the chosen method;
- Any supporting documentation, such as work plans, drawings, specifications, or reports prepared or reviewed by SCS Engineers;
- Photographs (before, during, and after) of the areas involved;
- Records of materials used (type, quantity, source); and
- A timeline of when the work was or will be completed.

These reports should be submitted to us on a weekly basis, or immediately following the completion of any discrete maintenance task, whichever is more frequent.

Transparency regarding these activities is essential given the ongoing regulatory and legal concerns.

We also remind you of your contractual obligations to provide us with regular and timely updates on all site activities and corrective measures. We expect full compliance with this requirement moving forward. Thank you for your prompt attention to this matter. We look forward to receiving the requested information and documentation without delay.

Thanks, Corbin

On Fri, Dec 12, 2025 at 6:54 AM David Peyton <David.Peyton@traviscountytx.gov> wrote:

Mr. Graham:

For remainder of this week:

- Due to scheduling issues on their side, SCS staff have requested to conduct the routine inspection and maintenance activities this Saturday, 12/13/2025, from 9am to 1pm.

For next week, TNR and its consultants will require access to the 290 Landfill from Monday, 12/15/2025, through Friday, 12/19/2025, from 8am-5pm each day. The following activities will be conducted onsite during this time.

- TNR and RKI teams will be continuing work associated with the County's Phase Two work plan the entire week, Monday through Friday.
- TNR staff will be maintaining game cameras periodically and are expected to resume trapping efforts in the coming weeks.
- TNR and ADK will continue any cover repair work in breakout areas that have been impacted by wildlife activity not finished by E.O.D. today.
- TNR Survey teams will be continuing their comprehensive topographic mapping effort as their schedule allows.
- TNR and SCS staff will be conducting routine inspections and maintenance activities on Friday the 19th.

Please let me know if you have any questions or concerns the team may address related to the above notices.

Thank you and have a good day,

David Peyton
Assistant Director, Water Resources

Travis County TNR Environmental Quality



david.peyton@traviscountytx.gov

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--

Corbin Graham
Graham Development Co.



[REDACTED]

[REDACTED]

[REDACTED]

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From: David Peyton <David.Peyton@traviscountytx.gov>
Sent: Wednesday, February 4, 2026 6:47 AM
To: Cynthia Veidt <Cynthia.Veidt@traviscountytx.gov>; Deborah Trejo <[REDACTED]> Drew Miller <drew.miller@kempsmith.com>
Cc: Ann Greenberg <Ann.Greenberg@traviscountytx.gov>; Brady Ansley <Brady.Ansley@traviscountytx.gov>; Ryan Petr <Ryan.Petr@traviscountytx.gov>; Emily Ackland <Emily.Ackland@traviscountytx.gov>; Cynthia McDonald <Cynthia.McDonald@traviscountytx.gov>; Sydnia Crosbie <Sydnia.Crosbie@traviscountytx.gov>
Subject: Re: [CAUTION EXTERNAL] Re: Access to 290 Landfill for 02/02/2026-02/06/2026

FYI

From: Corbin Graham [REDACTED]
Sent: Wednesday, February 4, 2026 6:20:37 AM
To: David Peyton <David.Peyton@traviscountytx.gov>; Haley Marlow <Haley.Marlow@oag.texas.gov>; Lori Wilson <Lori.Wilson@tceq.texas.gov>; joel.anderson@tceq.texas.gov <joel.anderson@tceq.texas.gov>; Maria Alvarado <[REDACTED]>
Cc: Ann Greenberg <Ann.Greenberg@traviscountytx.gov>; Brad Bullock <[REDACTED]>; Jim Blackburn <jbb@blackburncarter.com>; Brady Ansley <Brady.Ansley@traviscountytx.gov>; Ryan Petr <Ryan.Petr@traviscountytx.gov>; Emily Ackland <Emily.Ackland@traviscountytx.gov>; Cynthia McDonald <Cynthia.McDonald@traviscountytx.gov>
Subject: [CAUTION EXTERNAL] Re: Access to 290 Landfill for 02/02/2026-02/06/2026

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Please have your lawyers explain why the landowner is not being included to TCEQ inspections.

Please tell TCEQ that the availability for inspections is limited to the owners availability which on Friday ends at noon sharp and they must call when on site for me to personally come unlock the gate.

Corbin Graham
Graham Development



On Fri, Jan 30, 2026 at 8:21 AM David Peyton <David.Peyton@traviscountytx.gov> wrote:

Mr. Graham:

TNR and its consultants will require access to the 290 Landfill on the following dates and times to complete the activities outlined below:

- TNR Survey teams will be continuing their comprehensive topographic mapping effort as their schedule allows from Monday, February 02 – Friday, February 06 from 8am to 3pm.
- ADK staff will begin mowing work around the flea market property on Monday, February 02. This activity is expected to continue through Friday, February 06. Access needs are daily from 8am to 5pm.
- TNR and SCS staff will be conducting routine inspections and

maintenance activities on Tuesday, February 03 from 8am to 3pm. Expanded window to allow for anticipated work efforts. Efforts schedule for last week were impacted by adverse weather conditions related to the ice storm.

- Coordination with the Hog Trapping consultant to occur on Thursday, February 05 from 11pm to 4pm. Activities to include rebaiting and potentially setting gates.
- TCEQ staff have requested to conduct water sampling at different locations at the closed landfill on Friday, February 06. TNR staff are working to confirm exact times. Until solidified, please plan on access from 8am to 5pm.

Please let us know if you have any questions or concerns we may address.

Thank you for your time and have a good day,

[\[google.com\]](#)

[\[google.com\]](#)

David Peyton

Assistant Director, Water Resources

Travis County Transportation and Natural Resources

700 Lavaca St. [\[google.com\]](#)

Austin, TX 78701 [\[google.com\]](#)





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Outlook

[CAUTION EXTERNAL] Re: Access to 290 Landfill for 02/09/2026-02/13/2026

From Corbin Graham [REDACTED]**Date** Tue 2/10/2026 8:53 AM**To** David Peyton <David.Peyton@traviscountytx.gov>; Cynthia Veidt <Cynthia.Veidt@traviscountytx.gov>**Cc** Ann Greenberg <Ann.Greenberg@traviscountytx.gov>; Brad Bullock [REDACTED] Brady Ansley <Brady.Ansley@traviscountytx.gov>; Ryan Petr <Ryan.Petr@traviscountytx.gov>; Emily Ackland <Emily.Ackland@traviscountytx.gov>; Cynthia McDonald <Cynthia.McDonald@traviscountytx.gov>

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Looping in Cynthia.

Corbin Graham
Graham Development

[REDACTED]

On Tue, Feb 10, 2026 at 8:51 AM Corbin Graham [REDACTED] wrote:

Hi David, please email Lori at TCEQ and tell her that We are collectively meeting at the site for testing, and that the owner has forbidden access without his attendance. I will be locking the gate to ensure cooperation for the record for your evasive attorneys. That license is invalid after 50 years of noncompliance. And the only way you guys are getting access is through the Goodwill and cooperation that you show to the owner who you've screwed for decades and are now trying to steal their land at pennies and hide the facts from the public cause you know you're morally toxic like your land landfill.

Corbin Graham
Graham Development

[REDACTED]

On Tue, Feb 10, 2026 at 8:06 AM David Peyton <David.Peyton@traviscountytx.gov> wrote:

Mr. Graham,

As a follow-up to my previous notification, the hog trapper has had to cancel for today and will instead need access to the site for tomorrow, February the 11th, from 11am to 4pm.

Please let me know if you have any questions or concerns I may address.

Thank you and have a good day,

[\[google.com\]](#)

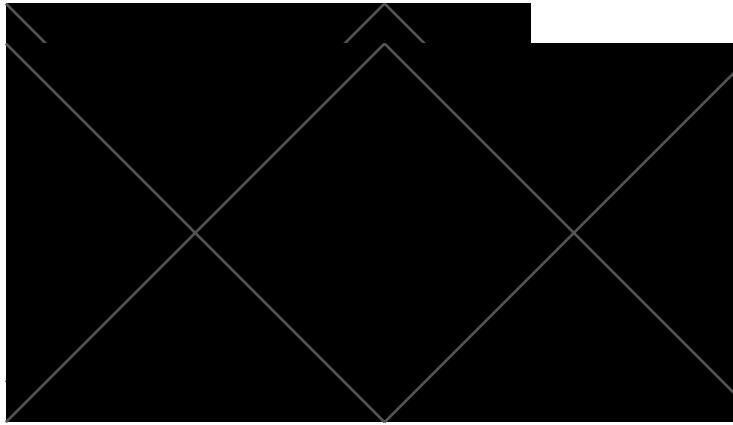
[\[google.com\]](#)

David Peyton

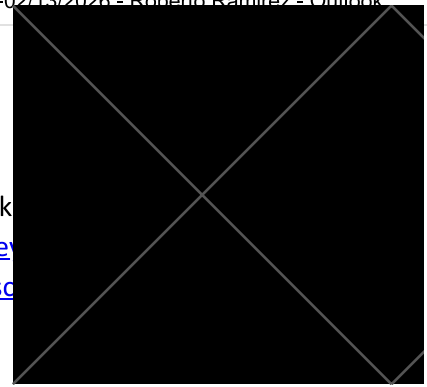
Assistant Director, EQ Water Resources

Natural Resources





Brad Bullock
[Brady.Ansley](#)
[and@travisc](#)



Mr. Graham:

TNR and its consultants will require access to the 290 Landfill on the following dates and times to complete the activities outlined below:

- TNR Survey teams will be continuing their comprehensive topographic mapping effort as their schedule allows from Monday, February 09 – Friday, February 13 from 8am to 3pm.
- ADK staff will continue mowing work around the flea market property on Monday, February 09. This activity is expected to continue through Friday, February 13. Access needs are daily from 8am to 5pm.
- TNR and SCS staff will be conducting routine inspections and maintenance activities on Tuesday, February 10 from 8am to 3pm. Expanded window to allow for anticipated work efforts onsite.
- Coordination with the Hog Trapping consultant will be updated by Tuesday of next week.
- TCEQ staff have requested to conduct water and soil sampling at the following locations and parameters (see attached).

Soil:

- Area of leachate breakout near Well 9
- Area of leachate breakout near Well 22-25

- Area of leachate breakout near Well 13

Water:

- Pond near highway
- Pump Station
- Well 19
- Well 9
- Well 25
- Well 28
- PZ8
- PZ7
- PZ6
- PZ10

TNR staff are working to obtain the services of a consultant to assist and will confirm exact date and time at the earliest convenience when known. Please contact Lori Wilson with the TCEQ for details related to the scheduling of this visit. Lori Wilson Lori.Wilson@tceq.texas.gov

Please let us know if you have any questions or concerns we may address.

Thank you for your time and have a good day,

[\[google.com\]](#)

[\[google.com\]](#)

David Peyton

Assistant Director, Water Resources

Travis County Transportation and Natural Resources

[700 Lavaca St. \[google.com\]](#)

[Austin, TX 78701 \[google.com\]](#)





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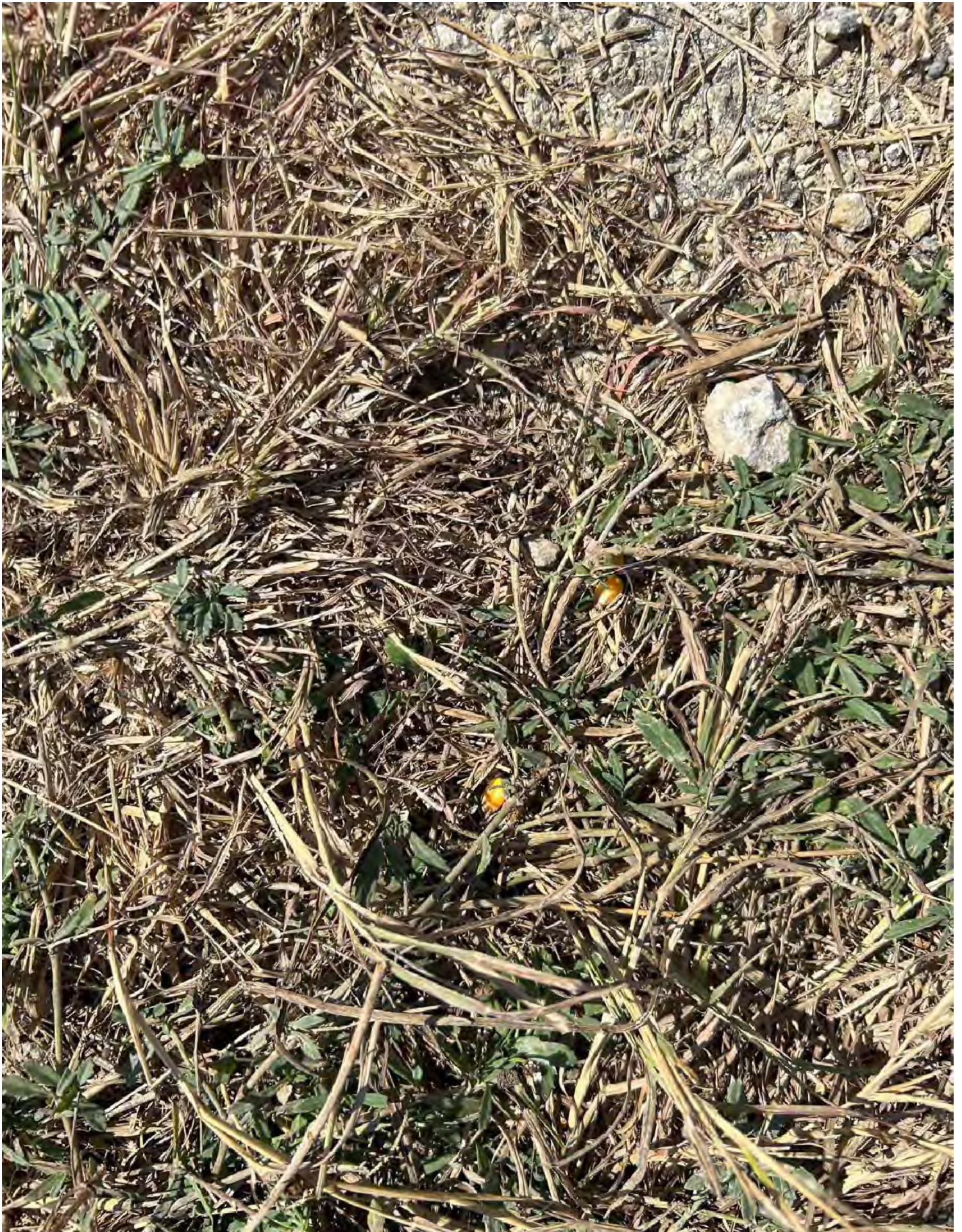
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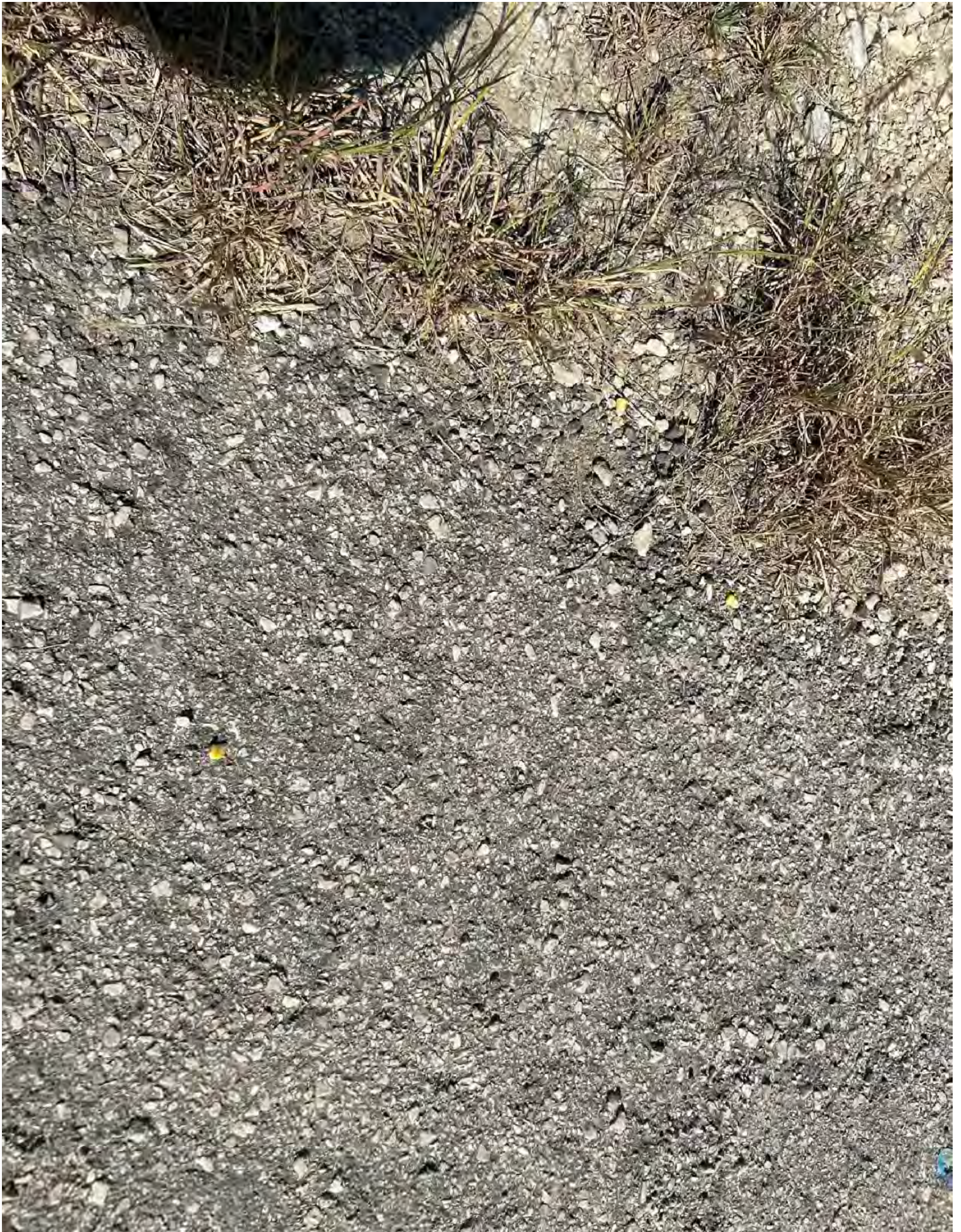
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Sharnezia Mitchell on behalf of Erin Fonken

Bar No. 24059112

AU.Secretary@kempsmith.com

Envelope ID: 111643123

Filing Code Description: Motion (No Fee)

Filing Description: TRAVIS COUNTY'S MOTION TO STRIKE GRAHAM DEVELOPMENT CORPORATION AND MOO MOO MEADOWS, LLC'S PETITION IN INTERVENTION

Status as of 3/2/2026 6:59 AM CST

Case Contacts

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