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Harris County, Texas, <i>Plaintiff,</i>	§	IN THE DISTRICT COURT OF
	§	
The State of Texas, acting by and through	§	
the Texas Commission on Environmental	§	
Quality, <i>a Necessary and Indispensable</i>	§	
<i>Party</i>	§	
	§	
vs.	§	HARRIS COUNTY, TEXAS
	§	
International Paper Company,	§	
McGinnes Industrial Maintenance	§	
Corporation, Waste Management, Inc.	§	
and Waste Management of Texas, Inc.,	§	
	§	
	§	
<i>Defendants</i>	§	295th JUDICIAL DISTRICT

AFFIDAVIT OF FREDERICK G. RUIZ

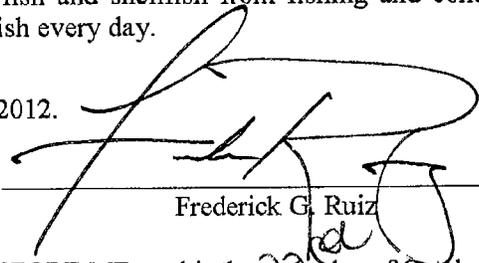
THE STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS	§	

BEFORE ME, the undersigned authority of the State of Texas, on this day personally appeared Frederick G. Ruiz, known to me to be the person whose name is subscribed to the foregoing affidavit, and who, being by me first duly sworn, on his oath deposed and stated as follows:

1. My name is Frederick G. Ruiz. I am over 18 years of age, of sound mind and am qualified to make this Affidavit. All statements made in this Affidavit are within my personal knowledge, and they are true and correct.
2. I am a Captain, Game Warden, for the Law Enforcement Division of the Texas Parks & Wildlife and work in Harris County, Texas. I am very familiar with the San Jacinto River, including the San Jacinto Waste Pits area. I am in charge of patrolling the San Jacinto River, including the area near the San Jacinto Waste Pits, because the San Jacinto River is one of the Parks & Wildlife Department's enforcement priorities due to public safety issues.
3. Public safety is my number 1 priority and people fishing in the area near the San Jacinto Waste Pits or catching fish or harvesting shellfish impacted from the Waste Pit are subject to a public health threat associated with dioxin from the Waste Pits.
4. From my years of personal experience patrolling the River near the San Jacinto Waste Pits, I have personal knowledge that people come from all over to fish in that area. It is a popular fishing area and people fish in that area almost daily. The biggest users of the River near the Waste Pits are the bank fishermen and it is clear that many of them are subsistence fishing and use the fish they catch to feed their families.

5. It is also evident that some fish are caught or shellfish are harvested from the impacted areas of the San Jacinto River for sale to the public, even though that is prohibited. Recently, I personally detained a Vietnamese fisherman with multiple crates of clams being harvested from the San Jacinto River. It was clear that the seafood being harvested was destined for commercial sale and ultimate consumption by humans.
6. Although my game wardens have increased their patrols on the San Jacinto River to try to stop subsistence fishermen and others from catching and consuming fish impacted by the dioxin, there are only 10 game wardens in Harris County. Due to lack of manpower and funds, it is difficult to adequately police the area to ensure that the public is protected. Dedicated patrols are needed to address this public health threat.
7. In addition, there is a language and cultural barrier that makes it difficult to educate and warn the public not to consume fish from the San Jacinto Waste Pits area. It is clear that public health threats warrant a step up in patrols and enforcement of the fishing bans to ensure the safety of the people of Harris County. However, there is not sufficient funding for the increased man hours, fuel costs, vessels and costs associated with increased patrols.
8. Additional resources are also needed to step up educational efforts and it is my opinion that commercials in Spanish aired on local televisions stations would reach many people at risk who are not currently aware of the danger to themselves and their children by ingestion of seafood from the San Jacinto Waste Pits areas and areas upstream where fish migrate – in some cases, 8 miles away to the Lake Houston Dam or out to Galveston Bay. Outreach to local schools would also educate children, who would communicate the dangers to their parents who may not be native English speakers. Up until now, the handouts made available to the community have only been in English.
9. Multi-language handouts distributed to schools, bait shops, fishing licensing facilities and other public areas where those at risk are likely to see the warnings would help to educate the community. Funds are needed to help the game wardens and other public officials educate the people of Harris County against the public health threat associated with dioxin-contaminated fish and shellfish in the San Jacinto River and other areas where impacted fish have migrated.
10. Based upon my personal experience, people fishing and consuming fish and shellfish from the San Jacinto River have been exposed to dioxin-contaminated fish for many years through their consumption of fish and shellfish from fishing and continue to be exposed to the dioxin-contaminated fish every day.

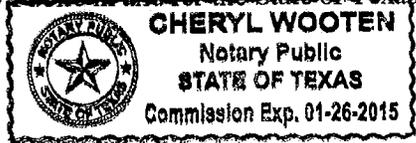
EXECUTED this 22 day of October, 2012.



 Frederick G. Ruiz

SUBSCRIBED AND SWORN TO BEFORE ME on this the 20 day of October, 2012.

Notary Public in and for the State of Texas



Notary without Bond



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this October 26, 2012

Certified Document Number: 53758621 Total Pages: 3

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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