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July 19, 2007

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VIA FACSIMILE

Mr. Derek Seal
General Counsel (MC-101)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

2007 JUL 19 AM 11:19
CHIEF CLERKS OFFICE

TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: *Response of Texas Disposal Systems Landfill, Inc. to Request of Penske for Continuance of Agenda Date; TCEQ DOCKET NO. 2007-1019-IHW;*

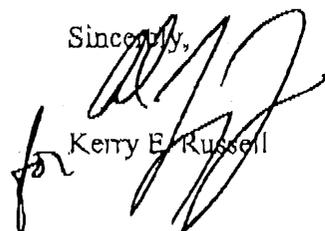
Dear Mr. Seal:

We are in receipt of Penske's request for a continuance of the currently scheduled July 25, 2007, Agenda in order to consider the above mentioned petition. In its request, Penske cites the unavailability of Mr. Mike Duff as cause to continue the agenda setting. While TDSL understands that Mr. Duff has been involved in this case, it is important to note that Mr. Duff does not, nor has he ever, represented Penske in front of the Commission. Penske is represented by many other competent attorneys and none of those attorneys has raised a conflict with the July 25th date. TDSL has arranged to have all of its attorneys and experts available for the July 25, 2007, agenda setting and, therefore, TDSL does not believe there is any valid reason to delay the Commission's consideration of this matter past July 25, 2007.

Additionally, Penske mentions a letter sent to TDSL on July 17, 2007, requesting access to the landfill for the purpose of inspecting the containerized commingled D008 CRT waste as another cause for a delay. Such an inspection has nothing to do with the Commission's consideration of TDSL's petition on July 25th and as such there is no need to delay the agenda setting. TDSL has repeatedly advised Penske that it can access the commingled D008 CRT waste at any time to remove it from TDSL's landfill under a standard hazardous waste manifest for delivery to a licensed treatment, storage, and disposal ("TSD") facility for proper management and disposal as hazardous waste. Further, TDSL would welcome an inspection by TCEQ representatives, at their convenience, if the Commission feels such is warranted. Again, there is no need to delay the date of the agenda setting in order to allow TCEQ representatives to inspect the containers.

Thank you for your consideration of this matter.

Sincerely,



Kerry E. Russell

cc: Service List

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FACSIMILE COVER PAGE

Date: June 21, 2007

Please Deliver the Following pages to:

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- Docket Clcrk, TCEQ Fax: (512) 239-3311
- Ms. Jody Henneke Fax: (512) 239-4007
- Mr. Kyle Lucas Fax: (512) 239-4015
- Mr. Guy Henry Fax: (512) 239-0606
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Client Number: 530-03
 From: Kerry E. Russell
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 Pages: 2 (Including Cover Sheet)

Comments: *Texas Disposal System Landfill, Inc.'s Petition to Review the Executive Director's Action and Order Proper Disposal of Hazardous Waste*

TDSL's Response to Motion for Continuance

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