



TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

**David K. Walker**  
**County Attorney**  
**Montgomery County**

2009 JUN 30 PM 1:36

CHIEF CLERKS OFFICE

207 West Phillips  
Suite# 100  
Conroe, Texas 77301

936/539-7828  
Fax 936/760-6920

June 25, 2009

CERTIFIED MAIL 7003 1680 0001 4953 4124  
RETURN RECEIPT REQUESTED  
John Williams, Staff Attorney  
Environmental Law Division  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 173  
Austin, TX 78711-3087

Re: Application by Montgomery Landfill Solutions, L.P.,  
TCEQ Proposed Permit No. 2324

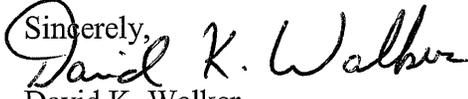
Dear Mr. Williams:

I am in receipt of the Executive Director's Response to Hearing Requests and Requests for Reconsideration in the above-styled matter involving the Montgomery Landfill Solutions L.P. application for a municipal solid waste permit. I write to clarify the County's official position with regard to the contested case hearing requests to be considered at the July 8, 2009, agenda of the Texas Commission on Environmental Quality.

You have noted that the Honorable Alan B. Sadler, Montgomery County Judge, and the Honorable Ed Rinehart, Montgomery County Commissioner, Precinct 4, have requested contested case hearings in the matter. However, the matter was on the Montgomery County Commissioners Court agenda of March 23, 2009, for consideration and no action was taken on the agenda item. Thus, the County has not requested party status or a contested case hearing. There has been no action since March 23<sup>rd</sup> to change the County's position.

Montgomery County can only take official actions through its governing body, the Commissioners Court, after a properly noticed meeting. Thus, the individual comments and requests of Judge Sadler and Commissioner Rinehart do not constitute actions of the governing body. In short, Montgomery County has not requested, and is not requesting party status for the above application.

If you have any questions, please do not hesitate to contact me.

Sincerely,  
  
David K. Walker  
Montgomery County Attorney

DKW/smf