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February 14, 2008

Via Fax: (512) 239-3311

& Federal Express

LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
12100 Park 35 Circle
Austin, Texas 78753

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 FEB 15 PM 1:03
CHIEF CLERKS OFFICE

Re: TCEQ DOCKET NO. 2007-1774-MSW; Application of BFI Waste Systems of North America, Inc. Permit No. 1447A

Dear Ms. Castanuela:

Enclosed for filing in the above referenced matter is an original plus eleven (11) copies of NORTHEAST NEIGHBORS COALITION'S REPLY TO THE APPLICANT, EXECUTIVE DIRECTOR AND OFFICE OF PUBLIC INTEREST COUNSEL'S RESPONSE TO REQUEST FOR HEARING. All parties of record have been copied pursuant to the Certificate of Service attached to the document.

Thank you for your assistance. Should you have any questions, please feel free to call me at (713) 524-1012.

Sincerely,

BLACKBURN CARTER, P.C.

by 
Velia Andaverde, Legal Assistant
To Mary W. Carter

Enclosures

c: See Certificate of Service

TCEQ DOCKET NO. 2007-1774-MSW

IN RE THE APPLICATION OF BFI WASTE §
SYSTEMS OF NORTH AMERICA, INC. §
PERMIT NO. MSW-1447A §

BEFORE THE
TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY

2008 FEB 15 PM 1:03

CHIEF CLERKS OFFICE

NORTHEAST NEIGHBORS COALITION'S REPLY TO THE APPLICANT,
EXECUTIVE DIRECTOR AND OFFICE OF PUBLIC INTEREST COUNSEL'S
RESPONSE TO REQUEST FOR HEARING

COMES NOW, the Northeast Neighbors Coalition (NNC) and files this its Reply in response to the Applicant, BFI Waste Systems of North America, Inc., the Executive Director of the Texas Commission on Environmental Quality and the Office of Public Interest Counsel (OPIC).

NNC AFFECTED PARTY STATUS

The Northeast Neighbors Coalition meets the criteria under 30 T.A.C. § 55.203 (a) & (c)(1)-(4) for the determination of an affected person. Additionally, according to the Executive Director and OPIC, the Northeast Neighbors Coalition meets the specific criteria for determining whether a group or organization is considered an affected person. 30 T.A.C. § 55.205(a). OPIC, *p.* 8; ED, *pp.* 9-10. The Applicant, BFI Waste Systems of North America, Inc., agrees that Northeast Neighbors Coalition "appears" to meet the requirements of § 55.205(a) and associational standing, subject to a reservation to object based on additional information the Applicant may obtain during discovery. *App.*, *p.* 9. Accordingly, Northeast Neighbors Coalition (NNC) respectfully requests that the Commissioners of the Texas Commission on Environmental Quality designate NNC an affected person in the above referenced case at the public meeting on February 27, 2008.

ISSUES TO BE REFERRED TO SOAH

NNC agrees with the listed issues suggested by OPIC and by the Executive Director to be referred to SOAH. These issues are relevant and material to the Commission's decision and involve a question of fact as opposed to a question of law and were raised during the comment period.

We question however, the following issue, which the Executive Director identifies as not appropriate for referral to SOAH:

Whether the BFI application will impose detrimental economic harm on the viability of a business and donations by visitors?

To the extent that this information relates to compatibility of the application with surrounding land uses, we believe this issue is appropriate for referral to SOAH.

With regard to the Applicant's list of issues, if any additional affected persons are designated by the Commissioners based on new information, their issues should also be included in those referred to SOAH assuming they are relevant and material to the Commission's decision and involve a question of fact as opposed to a question of law.

Because of the number of issues and complexity involved, NNC asks that the duration of the contested case hearing be set at twelve (12) months as suggested by the Executive Director and OPIC.

Respectfully submitted,

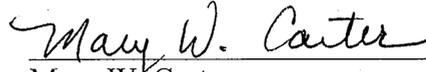
BLACKBURN CARTER, P.C.

by Mary W. Carter

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CERTIFICATE OF SERVICE

On this 14th day of February, 2008, the undersigned hereby certifies that a true and correct copy of the foregoing instrument was served on all attorneys/parties of record as indicated below for each.



Mary W. Carter

FOR THE CHIEF CLERK:

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