

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 JAN 27 AM 11: 21

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY CHIEF CLERKS OFFICE

Protecting Texas by Reducing and Preventing Pollution

January 27, 2009

To: Persons on the attached mailing list (by mail and facsimile as indicated)

Re: ALJs' Proposal for Decision and Proposed Order regarding the application of Williamson County for a Major Amendment (MSW Permit No. 1405B); TCEQ Docket No. 2005-0337-MSW; SOAH Docket No. 582-06-3321.

This letter concerns the scheduling of oral presentations for the Texas Commission on Environmental Quality's (Commission) deliberation and decision on the above-referenced matter. As previously notified, this matter has been set on the Commission's public meeting scheduled to begin at 9:30 a.m. on Wednesday, February 11, 2009. The Commission's meeting will take place in Room 201S of Building E, 12100 Park 35 Circle, Austin, Texas. 30 TAC § 80.263 provides as follows:

In proceedings where a judge has held a public hearing and has issued a proposal for decision or other report to the commission, all oral presentations before the commission shall be limited to five minutes each, excluding time for answering questions, unless the chairman or general counsel establishes other limitations. Before the commission meeting, the general counsel may allot time for oral presentations. Oral presentations and responses to questions shall be directed to the commission.

In recognition of the complexity of this case, the Office of General Counsel hereby extends the time for oral argument to 10 minutes for the Applicant, 10 minutes for the Protestants collectively, 5 minutes for the Executive Director; and 5 minutes for the Office of Public Interest Counsel. The Protestants may apportion their 10 minutes among themselves as they deem appropriate. The Applicant may save some time for rebuttal, as it bears the burden of proof.

Furthermore, if the Commissioners need additional information, they may ask questions of the parties after oral argument is completed. In light of the oral argument time periods previously found sufficient in complex matters and given the Commissioners' ability to question the parties to clarify any issues, the Office of General Counsel finds that the time period provided to the parties should be sufficient.

If you have any questions about this matter, please contact Tracy Gross, Assistant General Counsel, at (512) 239-1736.

Very truly yours,

A handwritten signature in black ink, appearing to read "Les Trobman".

Les Trobman
General Counsel

Mailing List

Mailing List
Williamson County Recycling & Disposal Facility
TCEQ Docket No. 2005-0337-MSW
SOAH Docket No. 582-06-3321

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 21, 2009

TO: All Persons on Mailing List

RE: **SOAH Docket No. 582-06-3321; TCEQ Docket No. 2005-0337-MSW.** Application of **Williamson County** for an Amendment to Permit no. 1450B to expand a Type I Municipal Solid Waste Landfill Facility, in **Williamson County**, Texas

The above-referenced matter is scheduled to be considered by the Texas Commission on Environmental Quality on **February 11, 2009 at 9:30 A.M.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas.

Pursuant to 30 TAC § 80.263, oral presentations before the commission shall be limited to five minutes each, excluding time for answering questions, unless the chairman or general counsel establishes other limitations.

Should you need any additional information, please contact Melissa Chao at the Texas Commission on Environmental Quality, Office of the Chief Clerk, (512) 239-3300.

Sincerely,

A handwritten signature in cursive script that reads "LaDonna Castañuela".

LaDonna Castañuela
Chief Clerk

LDC/jf

MAILING LIST
WILLIAMSON COUNTY
SOAH DOCKET NO. 582-06-3321
TCEQ DOCKET NO. 2005-0337-MSW

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Henry Card, Administrative Law Judge
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Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 MAR -6 AM 8:25

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHIEF CLERKS OFFICE

Protecting Texas by Reducing and Preventing Pollution

March 5, 2008

To: Persons on the attached mailing list (By mail and facsimile as indicated)

Re: Application by Williamson County for a Permit Amendment to its Type I MSW Permit (No. 1405B); TCEQ Docket No. 2005-0337-MSW; SOAH Docket No. 582-06-3321.

This letter is in response to the request filed on March 5, 2008 by Marisa Perales on behalf of the Heritage on the San Gabriel Homeowners Association and the Hutto Citizens Group and Lawrence Dunbar on behalf of TFJA, LP in the above-referenced matter. That letter requests an extension of time to file exceptions to the Administrative Law Judges' Proposal for Decision until March 7, 2008. That letter represents that counsel for the Protestants has contacted the other parties to that proceeding and that they are unopposed to the request.

Pursuant to 30 Texas Administrative Code § 80.257(b), this letter hereby extends the time for filing exceptions to the Administrative Law Judges' Proposal for Decision until 5:00 p.m. on Friday, **March 7, 2008**. Any replies to those exceptions may be filed no later than 5:00 p.m. on Wednesday, **March 19, 2008**. An original and 11 copies of any exceptions or replies must be filed with the Chief Clerk of the TCEQ at: Office of the Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711 [Fax (512) 239-3311]. Exceptions and replies should be served on those persons contained on the attached mailing list on the same day the document is filed with the Chief Clerk.

If you have any questions concerning this matter, please contact Tracy Gross, Assistant General Counsel, at (512) 239-1736.

Very truly yours,

A handwritten signature in black ink, appearing to read "Les Trobman".

Les Trobman
General Counsel

Mailing List

H:\counsel\gross\letters\extensions\williamsoncoext.ltr

Mailing List
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TCEQ Docket No. 2005-0337-MSW
SOAH Docket No. 582-06-3321

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State Office of Administrative Hearings



Shelia Bailey Taylor
Chief Administrative Law Judge

March 5, 2008

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 MAR -5 PM 2:15
CHIEF CLERKS OFFICE

Les Trobman, General Counsel
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

VIA FACSIMILE (512) 239-5533

RE: Docket No. 582-06-3321; TCEQ Docket No. 2005-0337-MSW; Williamson County Recycling & Disposal Facility; Request for Extension of Time to File Exceptions to the ALJs' Proposal for Decision

Dear Mr. Trobman:

On March 4, 2008, Hutto Citizens Group, the Heritage on the San Gabriel Homeowners Association, and TJFA filed a Request for Extension of Time to File Exceptions to the ALJs' Proposal for Decision (Request). The ALJs, however, lack jurisdiction over the Request, which should instead be addressed to the Texas Commission on Environmental Quality. To that end, the ALJs have attached a copy of the Request to this letter.

Sincerely,

Travis Vickery
Administrative Law Judge

TV/ls

xc: All Parties of Record
Docket Clerk, State Office of Administrative Hearings - HAND DELIVERY

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE

300 West 15th Street Suite 502

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SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: WILLIAMSON COUNTY RECYCLING & DISPOSAL FACILITY
SOAH DOCKET NUMBER: 582-06-3321
REFERRING AGENCY CASE: 2005-0337-MSW

STATE OFFICE OF ADMINISTRATIVE HEARINGS

ADMINISTRATIVE LAW JUDGE
ALJ TRAVIS VICKERY

REPRESENTATIVE / ADDRESS

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WILLIAMSON COUNTY

xc: Docket Clerk, State Office of Administrative Hearings

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 MAR -5 PM 2:15
CHIEF CLERKS OFFICE

March 4, 2007

The Honorable Travis Vickery
The Honorable Henry Card
State Office of Administrative Hearings
William P. Clements Building
300 West 15th Street
Austin, Texas 78701

Re: Application of Williamson County for a Permit Amendment to Expand a Type I Municipal Solid Waste Landfill Facility (Permit MSW-1405B); SOAH Docket No. 582-06-3321; TCEQ Docket No. 2005-0337-MSW

Dear Judge Vickery and Judge Card:

Enclosed please find Protestants Hutto Citizens Group, the Heritage on the San Gabriel Homeowners Association, and TJFA's Request for Extension of Time to File Exceptions to ALJs' Proposal for Decision.

Thank you for your consideration of this matter. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Marisa Perales
Marisa Perales *w/ Permission*
MH

Enclosure

CC: Service List
LaDonna Castañuela, TCEQ Chief Clerk

SOAH DOCKET NO. 582-06-3321
TCEQ DOCKET NO. 2005-0337-MSW

APPLICATION OF WILLIAMSON §
COUNTY FOR A PERMIT §
AMENDMENT TO EXPAND A TYPE §
I MUNICIPAL SOLID WASTE §
LANDFILL FACILITY; (PERMIT §
NO. MSW-1405B) §

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 MAR -5 PM 2:15
CHIEF CLERKS OFFICE

PROTESTANTS' REQUEST FOR EXTENSION OF TIME TO FILE EXCEPTIONS
TO ALJs' PROPOSAL FOR DECISION

TO THE HONORABLE JUDGE VICKERY AND JUDGE CARD:

Pursuant to 1 TAC §155.59(b)(4), Protestants Hutto Citizens Group, the Heritage on the San Gabriel Homeowners Association, and TJFA (collectively, "Protestants") respectfully request a two-day extension of time for all parties to file their Exceptions to the ALJs' Proposal for Decision in this matter. For support, Protestants respectfully show the following:

The ALJs in this matter submitted their Proposal for Decision on February 14, 2008. The parties are required to file their Exceptions to the PFD on March 5, 2008.

Counsel for Hutto Citizens Group and the Heritage on the San Gabriel Homeowners Association is currently participating in another landfill hearing at SOAH. Counsel for TJFA is also participating in that hearing as an expert witness. The hearing was expected to end March 4, 2008. However, Protestants were only recently notified, late in the day on March 3rd that the hearing will continue until March 5, 2008.

Consequently, Protestants respectfully request that the deadline for filing Exceptions to the PFD be extended two days to allow Protestants (and all other parties) time to prepare and file thorough Exceptions to the PFD. Protestants have sought the consent of the other parties to this matter, Williamson County, by and through its attorney of record John Riley, OPIC, the

Executive Director, Jonah Water Special Utility District, and Mount Hutto Aware Citizens, and all are unopposed to this Motion.

CONCLUSION & PRAYER

Protestants respectfully request a two-day extension of time for all parties to file their Exceptions to the Proposal for Decision in this matter. This extension is not sought for purposes of delay, but only so that Protestants will have adequate time to prepare and file thorough Exceptions to the PFD.

Respectfully submitted,

**LOWERRE, FREDERICK,
PERALES & ALLMON**
44 East Avenue, Suite 100
Austin, Texas 78701
Phone: (512) 469-6000
Facsimile: (512) 482-9346

By:  *w/permission NH*
Marisa Perales
For the Heritage on the San Gabriel
Homeowners Association and

For Hutto Citizens Group
(with permission)

DUNBAR HARDER & BENSON, LLP

By: _____
Lawrence G. Dunbar
For the TJFA, LP
One Riverway, Suite 1850
Houston, Texas 77056
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Executive Director, Jonah Water Special Utility District, and Mount Hutto Aware Citizens, and all are opposed to this Motion.

CONCLUSION & PRAYER

Protestants respectfully request a two-day extension of time for all parties to file their Exceptions to the Proposal for Decision in this matter. This extension is not sought for purposes of delay, but only so that Protestants will have adequate time to prepare and file thorough Exceptions to the PFD.

Respectfully submitted,

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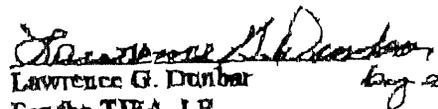
By:

Marisa Peralta
For the Heritage on the San Gabriel
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For Hutto Citizens Group
(with permission)

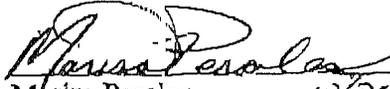
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By:


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CERTIFICATE OF SERVICE

By my signature below, I certify that on the 4th day of March, 2008 a true and correct copy of the foregoing **PROTESTANTS' REQUEST FOR EXTENSION OF TIME TO FILE EXCEPTIONS TO ALJs' PROPOSAL FOR DECISION** was served upon the parties identified below by facsimile, first class mail, electronic mail, or hand-delivery.


Marisa Perales *w/permission NH*

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03/05/2008

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

10

REGARDING:

COVER LETTER

DOCKET NUMBER:

582-06-3321

JUDGE TRAVIS VICKERY

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STEVEN SALFELDER	(512) 246-0404
DR. ORLYNN EVANS (MOUNT HUTTO AWARE CITIZENS)	VIA REGULAR MAIL

TCEQ Docket Clerk, Fax Number 512/239-3311

NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT LISA SERRANO(lse) (512) 475-4993

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 MAR - 5 PM 2:15

CHIEF CLERKS OFFICE

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TEXAS
COMMISSION
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QUALITY

2008 MAR -5 AM 10: 56

CHIEF CLERKS OFFICE

March 4, 2007

The Honorable Travis Vickery
The Honorable Henry Card
State Office of Administrative Hearings
William P. Clements Building
300 West 15th Street
Austin, Texas 78701

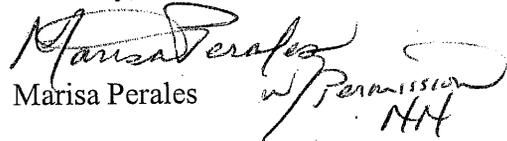
**Re: Application of Williamson County for a Permit Amendment to Expand a
Type I Municipal Solid Waste Landfill Facility (Permit MSW-1405B); SOAH
Docket No. 582-06-3321; TCEQ Docket No. 2005-0337-MSW**

Dear Judge Vickery and Judge Card:

Enclosed please find Protestants Hutto Citizens Group, the Heritage on the San Gabriel Homeowners Association, and TJFA's Request for Extension of Time to File Exceptions to ALJs' Proposal for Decision.

Thank you for your consideration of this matter. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,


Marisa Perales w/ Permission
MM

Enclosure

CC: Service List
LaDonna Castañuela, TCEQ Chief Clerk



SOAH DOCKET NO. 582-06-3321
TCEQ DOCKET NO. 2005-0337-MSW

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APPLICATION OF WILLIAMSON
COUNTY FOR A PERMIT
AMENDMENT TO EXPAND A TYPE
I MUNICIPAL SOLID WASTE
LANDFILL FACILITY; (PERMIT
NO. MSW-1405B)

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

CHIEF CLERKS OFFICE

**PROTESTANTS' REQUEST FOR EXTENSION OF TIME TO FILE EXCEPTIONS
TO ALJs' PROPOSAL FOR DECISION**

TO THE HONORABLE JUDGE VICKERY AND JUDGE CARD:

Pursuant to 1 TAC §155.59(b)(4), Protestants Hutto Citizens Group, the Heritage on the San Gabriel Homeowners Association, and TJFA (collectively, "Protestants") respectfully request a two-day extension of time for all parties to file their Exceptions to the ALJs' Proposal for Decision in this matter. For support, Protestants respectfully show the following:

The ALJs in this matter submitted their Proposal for Decision on February 14, 2008. The parties are required to file their Exceptions to the PFD on March 5, 2008.

Counsel for Hutto Citizens Group and the Heritage on the San Gabriel Homeowners Association is currently participating in another landfill hearing at SOAH. Counsel for TJFA is also participating in that hearing as an expert witness. The hearing was expected to end March 4, 2008. However, Protestants were only recently notified, late in the day on March 3rd that the hearing will continue until March 5, 2008.

Consequently, Protestants respectfully request that the deadline for filing Exceptions to the PFD be extended two days to allow Protestants (and all other parties) time to prepare and file thorough Exceptions to the PFD. Protestants have sought the consent of the other parties to this matter, Williamson County, by and through its attorney of record John Riley, OPIC, the

Executive Director, Jonah Water Special Utility District, and Mount Hutto Aware Citizens, and all are unopposed to this Motion.

CONCLUSION & PRAYER

Protestants respectfully request a two-day extension of time for all parties to file their Exceptions to the Proposal for Decision in this matter. This extension is not sought for purposes of delay, but only so that Protestants will have adequate time to prepare and file thorough Exceptions to the PFD.

Respectfully submitted,

**LOWERRE, FREDERICK,
PERALES & ALLMON**
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Phone: (512) 469-6000
Facsimile: (512) 482-9346

By: *Marisa Perales* *w/permission NH*
Marisa Perales
For the Heritage on the San Gabriel
Homeowners Association and

For Hutto Citizens Group
(with permission)

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LOWERRE FREDERICK

PAGE 03/04

Executive Director, Jonah Water Special Utility District, and Mount Hutto Aware Citizens, and all are unopposed to this Motion.

CONCLUSION & PRAYER

Protestants respectfully request a two-day extension of time for all parties to file their Exceptions to the Proposal for Decision in this matter. This extension is not sought for purposes of delay, but only so that Protestants will have adequate time to prepare and file thorough Exceptions to the PFD.

Respectfully submitted,

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By:

Marisa Perales
For the Heritage on the San Gabriel
Homeowners Association and

For Hutto Citizens Group
(with permission)

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By:

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For the TJFA, LP
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Houston, Texas 77056
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CERTIFICATE OF SERVICE

By my signature below, I certify that on the 4th day of March, 2008 a true and correct copy of the foregoing **PROTESTANTS' REQUEST FOR EXTENSION OF TIME TO FILE EXCEPTIONS TO ALJs' PROPOSAL FOR DECISION** was served upon the parties identified below by facsimile, first class mail, electronic mail, or hand-delivery.


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CHIEF CLERKS OFFICE

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COMMISSION
ON ENVIRONMENTAL
QUALITY