

MURMUR

C O R P O R A T I O N

18 February 2008

VIA CERTIFIED MAIL (7001.0360.0001.5316.9873)
Return Receipt Requested and First Class Prepaid Mail

Chief Clerk - MC105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX. 78711-3087

CHIEF CLERKS OFFICE

FEB 21 PM 2:34

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: TCEQ Docket No. 2006-0560-PST-E
SOAH Docket No. 582-07-3620

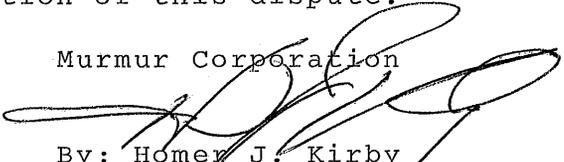
Enclosed, original plus eleven copies of this EXCEPTIONS and
Objections response to the SOAH letter to TCEQ dated February 8, 2008.

- 1) Respondent (Murmur/Kirby) never received any prior notice of the alleged "reconvened hearing" purported to be scheduled for December 5, 2007. Certainly, no "default" should be taken when there has been no actual notice.
- 2) Kirby did, in fact, advise Judge Carol Wood by letter and separate telephone (512.475.3102), both on 27 August 2007, requesting a reconvened "telephone hearing".
- 3) By letters dated 27 August 2007 and 18 September 2007, Judge Wood and TCEQ were respectively advised of the sale on 13 August 2007 of Murmur property on an "as is" "with all faults" basis with due notification of the subject USTs.
- 4) Murmur no longer has any control or influence over the subject property. I understand that the Buyer of the Murmur property has subsequently taken corrective action by properly and permanently already removing the subject USTs.
- 5) Respondent therefore suggests that any draft Proposed Order be properly modified and corrected.

TCEQ is respectfully encouraged to review the entire file on this unique Superfund project, specifically, Respondent's letters dated 18 Sep 07, 27 Aug 07, 10 Aug 07, 22 Jun 07, 19 Feb 07, 05 Feb 07, 04 Dec 06, 01 Sep 06, 16 May 06, 21 Nov 05, 05 Dec 01, and 14 Oct 92.

Respondent continues to seek proper resolution of this dispute.

Murmur Corporation

By: 
Registered Agent

Copy: Judge Carol Wood
Les Trobman, Esq.
Lena Roberts, Esq.