

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

February 5, 2010

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

VIA FACSIMILE NO. (512)239-5533

Re: SOAH Docket No. 582-08-2186; TCEQ Docket No. 2006-0612-MSW; In The Matter of the Application of Waste Management of Texas, Inc., for a Municipal Solid Waste Permit Amendment Permit No. MSW 249D

Dear Mr. Trobman:

On January 25, 2010, all parties filed Exceptions to the Supplemental Proposal for Decision issued January 5, 2010. On February 4, 2010, Applicant, Protestant TJFA, Protestant City, and Protestant NNC filed their Responses. The Administrative Law Judge (ALJ) has reviewed the Exceptions and Responses and this letter is the result of that review.

I recommend that the citation corrections to Conclusions of Law Nos. 2, 4, 15, 22, 23, 24, 28, 30, 33, 35, 39, 47, and 49 as set forth in Applicant's Brief in Response to the Supplemental PFD be adopted. I further recommend that all the other exceptions be overruled.

It should again be noted that the following deletions from the Proposed Order issued by me on July 21, 2009, are made as a convenience to the Commission and are not part of my recommendation:

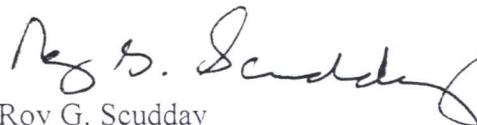
Finding of Fact No. 125;

The first two lines of Finding of Fact No. 127 ending with the phrase "those four wells;"

The first four lines of Conclusion of Law No. 28 ending with the phrase "those four wells;"

The first four lines of Conclusions of Law Nos. 48 and 50 beginning with the phrase "as revised to incorporate" and ending with the phrase "those four wells;" and
The paragraph in Ordering Provision No. 1 regarding Groundwater.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy G. Scudday". The signature is written in a cursive style with a large, looped initial "R".

Roy G. Scudday
Administrative Law Judge

RGS/ap
cc: Mailing List

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE

300 West 15th Street Suite 502

Austin, Texas 78701

Phone: (512) 475-4993

Fax: (512) 475-4994

SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: WASTE MANAGMENT OF TX, INC
SOAH DOCKET NUMBER: 582-08-2186
REFERRING AGENCY CASE: 2006-0612-MSW

STATE OFFICE OF ADMINISTRATIVE
HEARINGS

ADMINISTRATIVE LAW JUDGE
ALJ ROY SCUDDAY

REPRESENTATIVE / ADDRESS

PARTIES

PAUL TERRILL
ATTORNEY
810 W 10TH STREET
AUSTIN, TX 78701
(514) 474-9100 (PH)
(512) 474-9888 (FAX)
PTERRIL@HAZEN-TRRILL.COM

GILES HOLDINGS

AMIE RICHARDSON
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
MC-175 P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-2999 (PH)
(512) 239-3434 (FAX)

TCEQ EXECUTIVE DIRECTOR

LES TROBMAN
GENERAL COUNSEL
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
MC-101 P.O. BOX 13087
AUSTIN, TX 78711-3087

(512) 239-5533 (FAX)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

ERICH BIRCH
ATTORNEY
BIRCH & BECKER, & MOORMAN, L.L.P.
7000 NORTH MOPAC EXPRESSWAY, 2ND FLOOR
AUSTIN, TX 78731
(512) 514-6247 (PH)
(512) 514-6267 (FAX)
ebirch@birchbecker.com

TJFA, L.P. (TJFA)

JOHN A. RILEY
VINSON & ELKINS L.L.P.
2801 VIA FORTUNA, STE. 100
AUSTIN, TX 78746
(512) 542-8520 (PH)
(512) 236-3329 (FAX)

WASTE MANAGEMENT OF TEXAS, INC.

MEITRA FARHADI
ASSISTANT CITY ATTORNEY
CITY OF AUSTIN
P. O. BOX 1088
AUSTIN, TX 78767
(512) 974-2310 (PH)
(512) 974-6490 (FAX)
meitra.farhadi@ci.austin.tx.us

CITY OF AUSTIN

ANNALYN COX
ASSISTANT COUNTY ATTORNEY
TRAVIS COUNTY
P. O. BOX 1748
AUSTIN, TX 78767
(512) 854-9513 (PH)
(512) 854-4808 (FAX)

TRAVIS COUNTY

EVAN WILLIAMS
WILLIAMS, LTD.
524 N. LAMAR, #203
AUSTIN, TX 78703
(512) 477-1277 (PH)
eweAustin.rr.com

WILLIAMS, LTD.

JIM BLACKBURN
ATTORNEY
4709 AUSTIN
HOUSTON, TX 77004
(713) 524-1012 (PH)
(713) 524-5165 (FAX)
jbb@blackburncarter.com

NORTHEAST NEIGHBORS COALITION

HARRIS BRANCH RESIDENTIAL PROPERTY OWNERS
ASSOC.

MARK AND MELANIE MCAFEE
10463 SPRINKLE RD.
AUSTIN, TX 78754
(512) 517-6552 (PH)
organicmark@austin.rr.com

MARK AND MELANIE MCAFEE

CECIL AND EVELYN REMMERT & ALFRED WENDLAND
11815 CAMERON RD.
MANOR, TX 78653
(512) 272-8352 (PH)

CECIL AND EVELYN REMMERT & ALFRED
WENDLAND

JANET SMITH
404 SPLIT OAK
PFLUGERVILLE, TX 78660
(512) 415-8829 (PH)
momiekakes@aol.com

JANET SMITH

JEAN BREAZEALE
P. O. BOX 142427
AUSTIN, TX 78714
(512) 272-5783 (PH)
(512) 272-5271 (FAX)

JEAN BREAZEALE

JOHN WILKINS
803 CUTLASS
AUSTIN, TX 78734
(512) 771-3050 (PH)
johnawilkins@sbcglobal.net

JOHN WILKINS

GEORGE K. EDWARDS
11404 AUSTEX ACRES
MANOR, TX 78653-3642

GEORGE K. EDWARDS

JOHN P. MURPHY
11404 AUSTEX ACRES LANE
MANOR, TX 78653

JOHN P. MURPHY

ALTO S. AND ROSEMARY M. NAUERT
11201 AUSTEX ACRES LANE
MANOR, TX 78653

ALTO S. AND ROSEMARY M. NAUERT

AMY SWANHOLM
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OFFICE OF PUBLIC INTEREST COUNSEL
P.O. BOX 13087, MC-103
AUSTIN, TX 78711-3087
(512) 239-6823 (PH)
(512) 239-6377 (FAX)
aswanhol@tceq.state.tx.us

OFFICE OF PUBLIC INTEREST COUNSEL

xc: Docket Clerk, State Office of Administrative Hearings