

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2008 APR 17 PM 2: 41

CHIEF CLERKS OFFICE

April 16, 2008

Ms. LaDonna Castanuela  
Texas Commission on Environmental Quality  
Office of the Chief Clerk

Re: **SOAH DOCKET NO. 582-07-0863; TCEQ DOCKET NO. 2006-1931-MSW**  
**Application of Waste Management of Texas Inc. For TCEQ Permit No.**  
**MSW-66B**

Dear Ms. LaDonna Castanuela:

Enclosed please find an original and eleven (11) copies of **Protestant CCL's Response to the Applicant's Exception to the Administrative Law Judge's Proposal for Decision.**

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

Sincerely,

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Nancy Schwarzlose

**Representative:**  
**Concerned Citizens and Landowners**

Enclosure  
CC: Service List  
SOAH ALJ

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CHIEF CLERKS OFFICE

SOAH DOCKET NO. 582-07-0863  
TCEQ DOCKET NO. 2006-1931-MSW

APPLICATION OF WASTE § BEFORE THE STATE OFFICE  
MANAGEMENT OF TEXAS, INC. §  
FOR A MUNICIPAL SOLID WASTE § OF  
PERMIT AMENDMENT; §  
PERMIT NO. MSW-66B § ADMINISTRATIVE HEARINGS

**PROTESTANT CCL'S RESPONSE TO THE APPLICANT'S EXCEPTION TO  
THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION**

TO THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

This is responding to the Applicant taking exception to the ALJ recommending that the operating hours for the proposed landfill be consistent with the operating hours spelled out in the Settlement Agreement with Guadalupe County. I, on behalf of CCL, believe that the ALJ got it right in her interpretation of the Settlement Agreement with the County as to the understanding of the County in agreeing to withdraw from the hearing upon entering into this agreement in which it was agreed that the operating hours for the landfill would be limited and not be allowed 24/7, as requested by the Applicant. The surrounding landowners are very concerned that allowing operations 24/7 would be extremely disruptive and disturbing, as to noise, odor and lights. We presented our concerns during the hearing on this issue and the ALJ agreed with us. Now the Applicant wants the Commission to agree with the Applicant and interpret the Settlement Agreement differently than all of the rest of us. I even spoke with our County Commissioner about this agreement when it was signed and she assured me that the limitations on operating hours was put into it to protect us from the 24/7 operations being proposed by the Applicant. This is not what the County agreed to and would cause considerable problems for us.

Also, we have read the exceptions filed by TJFA and agree with them. We would continue to request that the Commission deny this permit amendment request, but if issued, please limit operating hours to those recommended by the ALJ as being consistent with the Settlement Agreement with the County.

Signed: April 16, 2008

  
Nancy Schwarzlose  
Representative: Concerned Citizens and  
Landowners

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document has been served on the following via hand delivery, express mail, electronic mail, facsimile, and/or U.S. First Class Mail, on this the ~~15~~<sup>16</sup>th day of April, 2008.

Hon. Sarah G. Ramos  
State Office of Administrative Hearings  
300 West 15<sup>th</sup> St., Suite 502  
Austin, Texas 78701

*Administrative Law Judge, State Office of  
Administrative Hearings*

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Staff Attorney  
Texas Commission on Environmental Quality  
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*Representing the Exec. Dir. of the Texas  
Commission on Environmental Quality*

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*Representing Waste Management*

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*Representing City of New Braunfels*

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*Representing TJFA, LP.*

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*Rep. Concerned Citizens and Landowners*

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Nancy Schwarzlose

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