

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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY CHIEF CLERKS OFFICE

Protecting Texas by Reducing and Preventing Pollution

March 5, 2009

The Honorable Sharon Cloninger
State Office of Administrative Hearings
300 W. 15th Street, Suite 504
Austin, Texas 78701-1649

Re: Liberty Waste Systems, Inc.
TCEQ Docket No. 2007-0795-MLM-E
SOAH Docket No. 582-08-1316

Judge Cloninger,

Enclosed, please find the Executive Director's Withdrawal of Exceptions regarding the Proposal for Decision and proposed Default Order issued by you in this case on July 29, 2008.

Sincerely,

A handwritten signature in black ink, appearing to read "Barham A. Richard".

Barham A. Richard, Attorney
Litigation Division

cc: Respondent
Ross Fife, Enforcement Division, TCEQ, MC 128
Blas Coy, Public Interest Counsel, TCEQ, MC 103

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SOAH DOCKET NO. 582-08-1316
TCEQ DOCKET NO. 2007-0795-MLM-E

CHIEF CLERKS OFFICE

IN THE MATTER OF
AN ENFORCEMENT ACTION
AGAINST LIBERTY WASTE
SYSTEMS, INC.;
RN101889236

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**EXECUTIVE DIRECTOR'S WITHDRAWAL OF EXCEPTIONS TO THE
ADMINISTRATIVE LAW JUDGE'S PROPOSED ORDER**

The Executive Director respectfully withdraws his exceptions to the Administrative Law Judge's Proposed Order, which were filed on August 18, 2008. Further, the Executive Director supports and agrees with the Administrative Law Judge's Proposal for Decision and Proposed Order.

Respectfully submitted,

Texas Commission on Environmental Quality

Mark Vickery, P.G.
Executive Director

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services

Kathleen C. Decker, Director
Litigation Division

by



Barham A. Richard
State Bar of Texas No. 24056201
Litigation Division, MC 175
P.O. Box 13087
Austin, Texas 78711-3087
(512) 239-0107
(512) 239-3434 (FAX)

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of March, 2009, the original and 7 copies of the foregoing "Executive Director's Withdrawal of Exceptions to the Administrative Law Judge's Proposed Order" ("Exceptions") were filed with the Chief Clerk, Texas Commission on Environmental Quality, Austin, Texas.

I further certify that on this day a true and correct copy of the foregoing Exceptions were sent to the following:

Via Inter-Agency Mail
Via Facsimile to (512) 475-4994
The Honorable Sharon Cloninger
State Office of Administrative Hearings
300 W. 15th Street, Suite 504
Austin, Texas 78701-1649

Via First Class Mail, Postage Prepaid
Via Certified Mail, Return Receipt Requested 7108 2133 3934 5603 2699
Mr. James L. Watts, Registered Agent
Liberty Waste Systems, Inc.
525 17th Street
Rock Island, Illinois 61204-5410

Via Electronic Mail
Blas Coy, TCEQ Public Interest Counsel, MC 103
Les Trobman, TCEQ Office of the General Counsel, MC 101

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CHIEF CLERKS OFFICE
TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY



Barham A. Richard, Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality