

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

October 8, 2009

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

Re: SOAH Docket No. 582-08-3929; TCEQ Docket No. 2007-0859-MLM-E; In Re: Executive Director of the Texas Commission on Environmental Quality v. Tommy Rutledge and B&M Freight, Respondents

Dear Mr. Trobman:

On August 31, 2009, B&M Unclaimed Freight, Inc. (Respondent) filed exceptions to the Proposal for Decision (PFD) in this matter. On September 15, 2009, the Executive Director (ED) of the Texas Commission on Environmental Quality also filed exceptions to the PFD, recommending specific changes to the Proposed Order.

The undersigned Administrative Law Judge (ALJ) agrees with the ED's recommended changes to the Proposed Order. The ALJ does not¹ find cause to change the PFD or Proposed Order in response to Respondent's arguments.

Sincerely,

A handwritten signature in black ink, appearing to read "Lilo D. Pomerleau".

Lilo D. Pomerleau
Administrative Law Judge

LDP:nl
xc: Attached Service List

¹ There was a typo in the previous letter. I forgot to include the language does not find cause to change the PFD or Proposed Order in response to Respondent's arguments.

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: TOMMY RUTLEDGE AND B & M UNCLAIMED FREIGHT, INC
SOAH DOCKET NUMBER: 582-08-3929
REFERRING AGENCY CASE: 2007-0859-MLM-E

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ADMINISTRATIVE LAW JUDGE
ALJ LILO D. POMERLEAU

REPRESENTATIVE / ADDRESS

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B & M UNCLAIMED FREIGHT

xc: Docket Clerk, State Office of Administrative Hearings

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