

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

August 26, 2009

CHIEF CLERKS OFFICE

2009 AUG 31 AM 11:02

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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:

The above-referenced matter will be considered by the Texas Commission on Environmental Quality on a date and time to be determined by the Chief Clerk's Office in Room 201S of Building E, 12118 N. Interstate 35, Austin, Texas.

Enclosed are copies of the Proposal for Decision and Order that have been recommended to the Commission for approval. Any party may file exceptions or briefs by filing the documents with the Chief Clerk of the Texas Commission on Environmental Quality no later than September 15, 2009. Any replies to exceptions or briefs must be filed in the same manner no later than September 25, 2009.

This matter has been designated TCEQ Docket No. 2007-0859-MLM-E; SOAH Docket No. 582-08-3929. All documents to be filed must clearly reference these assigned docket numbers. All exceptions, briefs and replies along with certification of service to the above parties shall be filed with the Chief Clerk of the TCEQ electronically at <http://www10.tceq.state.tx.us/epic/cfilings/> or by filing an original and seven copies with the Chief Clerk of the TCEQ. Failure to provide copies may be grounds for withholding consideration of the pleadings.

Sincerely,

A handwritten signature in cursive script that reads "Kilo D. Pomerleau".

Kilo D. Pomerleau
Administrative Law Judge

LDP:nl
Enclosures
cc: Mailing List

Post Office Box 13025 ♦ William P. Clements Building
(512) 475-4993 ♦ 300 West 15th Street, Suite 502 ♦ Austin Texas 78711-3025
Docket (512) 475-3445 ♦ Fax (512) 475-4994
<http://www.soah.state.tx.us>

TO: CHIEF CLERK OF TCEQ
FROM: B&M UNCLAIMED FREIGHT, INC.
JULIA FLETCHER, PRESIDENT

August 31, 2009

SOAH DOCKET NO. 582-08-3929
TCEQ DOCKET NO. 2007-0859-MLM-E

IN RESPONSE TO ALLEGATIONS SUBMITTED AUGUST 26, 2009.
EVIDENCE:

BURNED WOODEN PALLETS AND HOUSEHOLD TRASH
THERE WAS NO BURN BAN THAT DAY, NO WIND AT
THAT TIME. IT IS COMMON FOR RESIDENTS AND BUSINESSES
TO BURN TRASH OR OTHERWISE GIVEN THE FACT THERE IS
NO BURN BAN. THE WIND DID NOT START UP TILL THE
FIRE WAS IGNITED BY TERRY CARSHALL AND TOMMY
RUTLEDGE.

AS TOLD BY JULIA THE SECOND FIRE STARTED BY THE ABOVE
MENTIONED , A TRAIL OF FIRE TOOK A PATH DIRECTLY TO
THE LEASED BUILDING CAUSING THE FIRE TO SPREAD.

B&M HAD NO CONTROL OF WHAT TOMMY RUTLEDGE DID TO
HIS PROPERTY ALTHOUGH THEY REPEATEDLY ASKED HIM TO
CLEAN UP HIS MESS. WHY IS IT AN ARSENIST CAN GET AWAY
WITH SUCH A CRIME BY SIMPLY PAYING A LIMITED FINE?

UNAUTHORIZED BURNING :

B&M WERE TOLD BY TOMMY RUTLEDGE BEFORE HE LEFT ,
IT WAS OKAY TO BURN PALLETS AND OTHER UNHARMFUL
TRASH INCLUDING HOUSEHOLD TRASH IN THE BURN PIT. THE PIT
WAS PLACED THERE TO ALLEVIATE THE SPREAD OF FIRE.
TO B&M KNOWLEDGE THEY WERE IN COMPLIANCE WITH REGULATIONS .
THE FIRE COULD HAVE BEEN CONTAINED WITH THE HELP OF A SIMPLE
WATERHOSE. MS. JEAVONS STATED SHE COULD HAVE EXTINGUISHED
THE FIRE HAD SHE BEEN GIVEN A WATER HOSE WITH RUNNING WATER.
AS FAR AS MARGARET JEAVONS AND TERRY CARSHALL'S CONCERN OF
THE WIND, AS STAED EARLIER IN THIS RESPONSE, THERE WAS NO WIND
AND JULIA FLETCHER COMMENTED BEFOREHAND IF THE WIND WAS
BLOWING DO NOT BURN . JULIA FLETCHER WAS TOLD THE WIND WAS
NOT BLOWING AT THAT TIME. THE WIND WAS BLOWING THE SECOND
TIME THE FIRE WAS IGNITED BY RUTLEDGE AND CARSHALL. WHY IS TCEQ
IGNORING THE FACT THE SECOND FIRE DID NOT START UNTIL THE WIND
STARTED BLOWINGAND THERE WAS A SECOND FIRE IGNITED BY
CARSHALL AND RUTLEDGE?

TEXAS
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2009 AUG 31 AM 11:03

JULIA FLETCHER OR ANYONE PERTAINING TO B&M WAS NOT ALLOWED TO ENTER THE PREMISES FOR RUTLEDGE FILED CRIMINAL NO TRESPASS ON THEM.

JULIA FLETCHER RESPONDED ACCORDING TO HOW SHE WAS INSTRUCTED. SHE CONTACTED FRANK BURLESON and HE SUGGESTED SHE GIVE AS HER PROPOSAL FOR B&M CLEANUP THE CRIMINAL NO TRESPASS ISSUE. SHE HAD ALREADY GIVEN PREVIOUSLY THE NAME OF CONTRACTOR SHE HIRED TO REMEDY THE SITUATION WHICH HE WAS READY TO COMPLETE IN OR ABOUT TWO WEEKS. HE IS AN OWNER OF A SCRAPING OPERATION, HAD THE EQUIPMENT TO REMEDY WHAT WAS ASKED OF B&M CONCERNING THE CLEANUP. IT WAS THEN TOMMY RUTLEDGE CAME UP WITH THE CRIMINAL NO TRESPASS ON B&M. TOMMY RUTLEDGE DID NOT WANT B&M TO RECOVER ANY OF THEIR SCRAP. THIS WAS ANOTHER TACTIC HE USED TO STEAL MORE FUNDS FROM B&M. IT HAD NOTHING TO DO WITH EPA REGULATIONS. THERE WERE NO BARRELS IN TRAILERS BEFORE RUTLEDGE LEFT JULY 10, 2006. HE PLACED THEM IN THE TRAILERS AND AROUND LEASE PREMISES. WHY WOULD ANY ONE PLACE BARRELS OUT IN THE WEATHER IF THEY WERE TRYING TO KEEP THEM IN A DRY AREA? WHY IS TCEQ IGNORING THE FACT RUTLEDGE FILED CRIMINAL TRESPASS FOR MONETARY REASONS? WHY WAS RUTLEDGE NOT MONITORED WHEN SCRAPING THE INVENTORY OF B&M? WHY WAS THE MONEY NOT IN AN ACCOUNT AND B&M GIVEN AN ACCOUNT OF SUCH FUNDS? WHY WAS THE FIRE/FIRES INVESTIGATED IN A PROPER MANNER? WHY DID TCEQ TAKE INTO CONSIDERATION JULIA FLETCHER DID IN FACT HIRE A REPUTABLE CONTRACTOR TO ALLEVIATE THE CLEANUP AND IT COULD HAVE BEEN SETTLED TWO YEARS AGO?

B. IMPROPER DISPOSAL OF MUNICIPAL SOLID WASTE

RUTLEDGE HAS A PROBLEM TELLING THE TRUTH ABOUT THE OPERATION ON HIS PROPERTY FOR HE WAS THE ONLY ONE WHO DROVE THE FREIGHT TRUCK PICKED UP FREIGHT AND BECAME BUDDIES WITH THE FREIGHT COMPANY EMPLOYEES, UNLOADED THE TRAILERS AND WAS TOLD NOT TO KEEP ANY FREIGHT B&M COULD NOT SELL. WHY IS IT THAT TCEQ CANNOT SEE RUTLEDGE HAS A HABIT OF VIOLATING THE LAW AND REPEATEDLY PASSES THE BLAME ON INNOCENT VICTIMS LIKE WOMEN AND CHILDREN? WHY DOES TCEQ ALLOW SUCH ABUSE?

C. PROPOSED PENALTY

THE OUTDOOR BURNING GUIDELINES B&M WAS FOLLOWING CAME DIRECTLY FROM RUTLEDGE. HE SUPPOSEDLY KNEW WHAT GUIDELINES TO FOLLOW. BEING THE PROPERTY OWNER, HE CLAIMED TO KEEP

UP WITH RULES AND REGULATIONS CONCERNING BURNING, STORAGE AND OTHER ISSUES MENTIONED IN THIS CASE. WHY ARE THE RULES CHANGING NOW, ON OUTDOOR BURNING SINCE TOMMY RUTLEDGE AGREES TO PAYING SUCH A REDUCED FINE WITH NO QUESTIONS?

RESPONDENTS CONCERN:

TOMMY RUTLEDGE HAS SEVERAL PERSONAL PROBLEMS WHICH CAUSED HIM TO IMMEDIATELY LEAVE ON JULY 10, 2006. SINCE THEN HE HAS REPEATEDLY HARRASSED B&M, JULIA FLETCHER & FAMILY AND CONTINUES TO DO SO AS OF TODAY. HE STALKS JULIA FLETCHER AT NIGHT AT HER HOME AND HARRASSES HER AT HER WORKPLACE IN DAYTIME. IT SEEMS TO BE A HOBBY FOR RUTLEDGE. IT SEEMS TCEQ ONLY CONCERN IS FOR B&M TO PAY A FINE AND NOT HOW TOMMY RUTLEDGE GENERATED THE PROBLEMS. B&M SHOULD NOT BE RESPONSIBLE FOR WHAT SOMEONE ELSE DOES TO THEIR PROPERTY. THIS WAS INTENTIONALLY GENERATED BY RUTLEDGE. JULIA FLETCHER INDICATED TOMMY RUTLEDGE INTENTIONALLY FILED A CRIMINAL TRESPASS AND DID IN FACT MEANT FOR B&M, JULIA FLETCHER AND ANYONE IN HER COMPANY COULD NOT ENTER HIS PROPERTY. HE DID NOT EVEN READ THE DOCUMENT AS HE STATED IN HIS TESTIMONY. WHY IS TCEQ IGNORING FACTS TOMMY RUTLEDGE IS A RAPIST, ARCEINIST, CHILD MOLESTER/PEDIFILE, THIEF, LIAR, DRUG DEALER, USES HIS CHILD IN CHILD PORN AND SEXUALLY (WHICH SHE CANNOT TELL) AND MANY OTHER ABUSES NEVER MENTIONED IN HIS RECORD?

CONCLUSION:

B&M DOES UNDERSTAND THE ENVIORMENTAL CONCERN HOWEVER FEEL THE PROBLEM WAS GENERATED BY AN INDIVIDUAL, BEING TOMMY RUTLEDGE, WHO DID NOT CARE ABOUT ANY REPRECUSIONS OF HIS ACTIONS WITH THE INTENT TO CAUSE MORE PROBLEMS FOR AND JULIA FLETCHER. HE SIGNED THE OFFER GIVEN TO BOTH PARTIES FOR HE IS THE GUILTY PARTY AND NO ONE ELSE. WHY WOULD TOMMY RUTLEDGE SIGN AN OFFER IF HE IS NOT GUILTY? WHY DOES TCEQ FEEL THE NEED TO CONTINUALLY HARRASS B&M AND JULIA FLETCHER KNOWING TOMMY RUTLEDGE GENERATED ALL OF THESE AQUASATIONS AGAINST B&M AND JULIA FLETCHER? HOW CAN SUCH AN UNDERHANDED INDIVIDUAL BE EXHONERATED FROM ALL THE ACTS HE HAS GENERATED FOR HIMSELF? WHY IS TCEQ SO READY TO ASK FOR FINES ON B&M WHEN THEY HAVE ALREADY TAKEN AND GIVEN THEIR INVENTORY MONEY TO TOMMY RUTLEDGE AND HE IS THE GUILTY PARTY?

SINCERELY,
JULIA FLETCHER, PRESIDENT B&M UNCLAIMED FREIGHT, INC.

Julia Fletcher, President

C O V E R

P A G E

TO: CHIEF CLERK OFFICE

FROM: B&M UNCLAIMED FREIGHT, INC
JULIA FLETCHER, PRESIDENT
PH./FAX NO. 254-729-5565

RE: TCEQ DOCKET NO : 2007-0859-MLM-E
SOAH DOCKET NO. 582-08-3929

COMMENT: OUR RESPONSE

NUMBER OF PAGES: 5 INCLUDING COVER PAGE

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2009 AUG 31 AM 11:02

CHIEF CLERKS OFFICE

Aug 31 09 10:30a

Julia

Received:

Aug 31 2009 10:53am
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