

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

Protecting Texas by Reducing and Preventing Pollution

August 14, 2009

TO: All Persons on Mailing List

RE: **SOAH Docket No. 582-08-2178; TCEQ Docket No. 2007-1774-MSW.** Application of **BFI Waste Systems of North America, Inc.**, for a Major Amendment to the Existing Type I Municipal Waste Landfill, in **Travis County**, Texas

The above-referenced matter is scheduled to be considered by the Texas Commission on Environmental Quality on **September 9, 2009 at 9:30 A.M.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas.

In recognition of the complexity of this case, I have been directed by the General Counsel to inform you he has established the time for oral argument as 10 minutes for the Applicant, 10 minutes for the Protestants collectively, 5 minutes for the Executive Director; and 5 minutes for the Office of Public Interest Counsel. The Protestants should apportion their 10 minutes among themselves prior to the public meeting and call Meghan Taack, Agenda Coordinator, Office of the Chief Clerk at (512) 239-0014 by 5:00 p.m. Monday, September 7th to let her know how the time will be apportioned. The Applicant may save part of it's time for rebuttal, as it bears the burden of proof.

Should you need any additional information, please contact Melissa Chao at the Texas Commission on Environmental Quality, Office of the Chief Clerk, (512) 239-3300.

Sincerely,

A handwritten signature in black ink, appearing to read "LaDonna Castañuela".

LaDonna Castañuela
Chief Clerk
LDC/mc

MAILING LIST
BFI WASTE SYSTEMS OF NORTH AMERICA, INC.
SOAH DOCKET NO. 582-08-2178
TCEQ DOCKET NO. 2007-1774-MSW

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Buddy Garcia, *Chairman*
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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 JUN -2 PM 2:42

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY CHIEF CLERKS OFFICE

Protecting Texas by Reducing and Preventing Pollution

June 2, 2009

To: Persons on the attached mailing list (By mail and facsimile as indicated)

Re: Application by BFI Waste Systems of North America, LLC for a Major Permit Amendment to Type I MSW Permit No. 1447A; TCEQ Docket No. 2007-1774-MSW; SOAH Docket No. 582-08-2178.

This letter is in response to the request received on May, 2009 by J.D. Head on behalf of TJFA, L.P. in the above-referenced matter. That letter requests an extension of time to file exceptions to the Administrative Law Judge's Proposal for Decision. TJFA requests that its exceptions, which were received by the TCEQ Chief Clerk via facsimile at 5:08 p.m. on May 28, 2009 and file-stamped on May 29, 2009, be considered timely.

Pursuant to 30 Texas Administrative Code § 80.257(b), this letter hereby extends the time for filing exceptions to the Administrative Law Judge's Proposal for Decision until **8:30 a.m. on Friday, May 29, 2009**. Any replies to those exceptions may be filed no later than **8:30 a.m. on Tuesday, June 9, 2009**. An original and 7 copies of any exceptions or replies must be filed with the Chief Clerk of the TCEQ at: Office of the Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711 [Fax (512) 239-3311]. Exceptions and replies should be served on those persons contained on the attached mailing list on the same day the document is filed with the Chief Clerk.

If you have any questions concerning this matter, please contact Tracy Gross, Assistant General Counsel, at (512) 239-1736.

Very truly yours,

A handwritten signature in black ink, appearing to read "Les Trobman".

Les Trobman
General Counsel

Mailing List

Mailing List
BFI Waste Systems of North America, LLC
TCEQ Docket No. 2007-1774-MSW
SOAH Docket No. 582-08-2178

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Kyle Lucas
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512/239-0687 FAX 512/239-4015



FRITZ, BYRNE, HEAD & HARRISON, PLLC
Attorneys at Law

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAY 29 PM 2:36

CHIEF CLERKS OFFICE

May 29, 2009

VIA FACSIMILE NO. 239-5533

Ms. Tracy Gross
General Counsel's Office (MC-101)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: SOAH Docket No. 582-08-2178; TCEQ Docket No. 2007-1774-MSW;
In re: the Application of BFI Waste Systems of North America, LLC,
for a Major Amendment to Type I MSW Permit No. 1447A

Dear Ms. Gross:

I represent TJFA, L.P. (TJFA), a party protestant, in the above-referenced matter. This morning, you contacted me by telephone to inform me that the Chief Clerk's Office did not receive Protestant TJFA's Exceptions to the Administrative Law Judge's Proposal for Decision by 5:00 p.m. yesterday, May 28, 2009. You further informed me that because the Chief Clerk's Office did not receive TJFA's Exceptions to the PFD by 5:00 p.m., TJFA's Exceptions were filed stamped-received May 29, 2009.

As I informed you in our telephone conversation today, my office initially attempted to send the Exceptions to the Chief Clerk's Office by facsimile at 4:51 p.m. on May 28th. The facsimile copy of TJFA's Exceptions was not accepted by the Chief Clerk's Office inasmuch as the fax machine at the Chief Clerk's Office registered busy/no signal. My office again attempted to send TJFA's Exceptions at 5:00 p.m. on May 28th and again the facsimile was not received by the Chief Clerk's fax machine. My office has confirmation that the facsimile of TJFA's Exceptions was received at 5:08 p.m. on May 28, 2009, eight minutes after the deadline. I am enclosing three separate copies of the telecopy cover pages. Please note at the top of the pages for the 4:51 p.m. and 5:00 p.m. transmissions are error reports indicating that the Chief Clerk's facsimile machine was busy. You will also see confirmation of receipt of the facsimile at 5:08 p.m. on May 28th.

K:\DIR\1515207\01\LETTERS\GROSS-TCEQ.wp4

Value Driven...Client Oriented



98 SAN JACINTO BOULEVARD SUITE 2000 AUSTIN, TEXAS 78701 (512) 476-2020 FAX: (512) 477-5267 WWW.FBHH.COM

Ms. Tracy Gross
May 29, 2009
Page 2

TJFA requests that its Exceptions to the PFD be accepted for filing with the Chief Clerk's Office and the General Counsel's Office. No party to this proceeding has been harmed by the eight minute delay in the Chief Clerk's receipt of the Exceptions. Furthermore, the eight minute delay in receipt of the Exceptions was not due to the fault of TJFA, but rather the fact that the Chief Clerk's facsimile machine was busy and would not receive the transmission. The original and eight copies were placed in the mail to the Chief Clerk on May 28, 2009.

Should you have any questions, please do not hesitate to contact me at 476-2020.

Very truly yours,

FRITZ, BYRNE, HEAD & HARRISON, PLLC

By: _____

J. D. Head

JDH/amd
Enclosures

cc: Chief Clerk
See, Service List

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that a true and correct copy of the foregoing document has been served this 29th day of May, 2009, via e-mail, facsimile transmission or U.S. First Class mail, to the following:

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 Mr. John E. Carlson
 Lloyd, Gosselink, Rochelle & Townsend, P.C.
 816 Congress Ave., Suite 1900
 Austin, TX 78701
 TEL: 512/322-5800
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 E-MAIL: jcarlson@lglawfirm.com
**BFI WASTE SYSTEMS OF NORTH AMERICA, INC. and
 GILES HOLDINGS, L.P.**

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GILES HOLDINGS

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EXECUTIVE DIRECTOR

Ms. Christina Mann
 Attorney
 Office of Public Interest Counsel (MC-103)
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OFFICE OF PUBLIC INTEREST COUNSEL

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TRAVIS COUNTY

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CITY OF AUSTIN

TEXAS
 COMMISSION
 ON ENVIRONMENTAL
 QUALITY
 2:09 PM 29 MAY 2009
 CHIEF CLERKS OFFICE

Mr. Jim Blackburn
Ms. Mary W. Carter
Blackburn & Carter, P.C.
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FAX: 713/524-5165
E-MAIL: jbb@blackburncarter.com
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**NORTHEAST NEIGHBORS COALITION; MARK
MCAFFEE; MELANIE MCAFFEE; ROGER JOSEPH;
DELMER D. ROGERS; and WILLIAMS, LTD.**

Hon William G. Newchurch
Administrative Law Judge
State Office of Administrative Hearings
300 West 15th St., Suite 502
Austin, TX 78701

*** ERROR TX REPORT ***

TX FUNCTION WAS NOT COMPLETED

TX/RX NO 1502
RECIPIENT ADDRESS 2393311
DESTINATION ID
ST. TIME 05/28 18:51
TIME USE 00'00
PAGES SENT 0
RESULT NG #0018 BUSY/NO SIGNAL



FRITZ, BYRNE, HEAD & HARRISON, PLLC
Attorneys at Law

TELECOPY COVER PAGE
TRANSMITTAL INFORMATION

DATE: May 28, 2009
TO: Ms. LaDonna Castanuela (Telephone: 239-3300)
FAX NO.: 239-3311
FROM: Mr. Bob Renbarger
RE: SOAH Docket No. 582-08-2178; TCEQ Docket No. 2007-1774-MSW; BFI
CLIENT #: 15207.01

NUMBER OF PAGES: 82, including this cover page.

ADDITIONAL INFORMATION

ATTACHED: Protestant TJFA, L.P.'s Exceptions to the Administrative Law Judge's Proposal for Decision

MESSAGE: The original will follow by U. S. First Class mail.

*** ERROR TX REPORT ***

TX FUNCTION WAS NOT COMPLETED

TX/RX NO 1503
RECIPIENT ADDRESS 2393311PP
DESTINATION ID
ST. TIME 05/28 17:00
TIME USE 00'00
PAGES SENT 0
RESULT NG #0018 BUSY/NO SIGNAL



FRITZ, BYRNE, HEAD & HARRISON, PLLC
Attorneys at Law

TELECOPY COVER PAGE
TRANSMITTAL INFORMATION

DATE: May 28, 2009
TO: Ms. LaDonna Castanuela (Telephone: 239-3300)
FAX NO.: 239-3311
FROM: Mr. Bob Renbarger
RE: SOAH Docket No. 582-08-2178; TCEO Docket No. 2007-1774-MSW; BFI
CLIENT #: 15207.01

NUMBER OF PAGES: 82, including this cover page.

ADDITIONAL INFORMATION

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MESSAGE: The original will follow by U. S. First Class mail.

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1504
RECIPIENT ADDRESS 2993311
DESTINATION ID
ST. TIME 05/28 17:08
TIME USE 08'47
PAGES SENT 82
RESULT OK



FRITZ, BYRNE, HEAD & HARRISON, PLLC
Attorneys at Law

TELECOPY COVER PAGE
TRANSMITTAL INFORMATION

DATE: May 28, 2009
TO: Ms. LaDonna Castanuela (Telephone: 239-3300)
FAX NO.: 239-3311
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MESSAGE: The original will follow by U. S. First Class mail.



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 MAY 29 PM 2:35

CHIEF CLERKS OFFICE

FRITZ, BYRNE, HEAD & HARRISON, PLLC
Attorneys at Law

**TELECOPY COVER PAGE
TRANSMITTAL INFORMATION**

DATE: May 29, 2009
TO: Ms. LaDonna Castanuela (Telephone: 239-3300)
FAX NO.: 239-3311
FROM: Mr. J. D. Head
RE: SOAH Docket No. 582-08-2178; TCEQ Docket No. 2007-1774-MSW; BFI
CLIENT #: 15207.01

NUMBER OF PAGES: 8, including this cover page.

ADDITIONAL INFORMATION

ATTACHED: Letter dated May 29, 2009 to Tracy Gross
MESSAGE: A copy will follow by U. S. First Class mail.

This facsimile transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for the return of the documents.

If you have any questions, or problems concerning this transmission,
please call (512) 476-2020, and ask for Copy Center.

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