

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

August 7, 2009

2009 AUG - 7 AM 9: 47
CHIEF CLERKS OFFICE
TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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

Re: SOAH Docket No. 582-09-1252; TCEQ Docket No 2008-0709-MLM-E; In the Matter of an Enforcement Action against James Jones

Dear Mr. Trobman:

The Proposal for Decision (PFD) issued in this case is set for consideration by the Commission at its Open Meeting on August 26, 2009. The Executive Director (ED) filed exceptions to the PFD recommending corrections related to minor technical issues. I have no objection to the ED's proposed corrections, but I am unsure whether the land at issue is inside or outside the city limits of Denison, Texas. It does not appear to be a determining factor on any of the findings of violations.

Respondent filed exceptions to the PFD disagreeing with the definition of municipal solid waste (MSW), arguing that his scrap metal is not MSW, and submitting that his land is a single parcel outside the City of Denison. I recommend all of Respondent's exceptions be overruled.

In reviewing Respondent's letter, it is unclear whether a copy was sent to the ED, so a copy is attached.

Thank you for your attention to this matter.

Sincerely

Tommy L. Broyles
Administrative Law Judge

TLB:ls
Enclosure
cc: Attached service list

July 22

The Honorable Tommy L. Beayles.

RE: The Executive Director's Exception; reply to exceptions
TEEQ Docket No. 2008-0709 MUM-S
SOAH Docket No. 582-09-1252

STATE OF TEXAS
ADMINISTRATIVE SERVICES
2009 JUL 27 AM 9:00

Fact #1 I'm not in City of Denison

Fact #2 IF THE Judges decision of 1000 is not upheld and Final I want a Jury trial by the STATE ATT. GENERAL. His decision was Fair and impartial For Both sides. Especially since your main witness, Mr White EPA OFFICER whom I held in high regards UNDER OATH LIED LIKE A DOG. - got caught - who's monitoring my property for SEVEN YEARS MISLEADING ME ON ALL ACCOUNTS THREATENED ME in court to pass THE witness..... Honorable Judge behind closed doors told MR GUERRA and MYSELF that I had won on the Burn charge. Fact: I did get permission From DENISON Fire Dept.

ORDER Provision #2

WHAT IS MSW It's trash to you, MSW is my livelihood and 1000000 OTHER PEOPLE. But we have NO LAWYERS, POLITICIANS AND education. But we're SELF SUFFICIENT. I ASKED Mr White what MSW is he SAID Anything we want it to be!

Well I figured it out yesterday at the Big Dump ground in LUELLA. A MAN TOOK ONE REFERATOR and shook his head but still paid 28.00 min. FEE plus your 800 EPA FEE TO dispose of it I WAS SHOCKED when Big Bulldozer RAN OVER it, MASKED it FREON spending pushed it IN THE dirt. I would have gotten 10.00 at LOCAL JUNKYARD AND disposed of properly and RECYCLED.

- 1. Finding of fact: the site REST on ONE PARCEL OF LAND 9.4 acv.
- 3. Finding of fact: My scrap building material is not M.S.W

Thankyou For treating me with respect & dignity at both hearings. All of you there could be my Friends. You let me SPEAK my mind. By doing so I KEEP my SANITY. NITE AFTER NITE I've gone over your problems with me. THIS LETTER FINISHED IT. I LEGALLY disposed of Building material months ago. *Tommy Beayles*

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE

**300 West 15th Street Suite 502
Austin, Texas 78701
Phone: (512) 475-4993
Fax: (512) 475-4994**

SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: JAMES JONES
SOAH DOCKET NUMBER: 582-09-1252
REFERRING AGENCY CASE: 2008-0709-MLM-E

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ TOMMY L. BROYLES**

REPRESENTATIVE / ADDRESS

PARTIES

BLAS J. COY, JR.
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OFFICE OF PUBLIC INTEREST COUNSEL
P.O. BOX 13087, MC-103
AUSTIN, TX 78711-3087
(512) 239-6363 (PH)
(512) 239-6377 (FAX)
bcoy@tceq.state.tx.us

OFFICE OF PUBLIC INTEREST COUNSEL

TCEQ CHIEF CLERK
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
MC-173 P.O. BOX 13087
AUSTIN, TX 78711-3087

(512) 239-3311 (FAX)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

XAVIER GUERRA
ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
LITIGATION DIVISION
14250 JUDSON ROAD, MC R-13
SAN ANTONIO, TX 78233-4480
(210) 403-4016 (PH)
(210) 545-4329 (FAX)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

LES TROBMAN
GENERAL COUNSEL
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
MC-101 P.O. BOX 13087
AUSTIN, TX 78711-3087

(512) 239-5533 (FAX)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

JAMES JONES
1414 WEST MORTON STREET
DENISON, TX 75020
(903) 465-6047 (PH)

JAMES JONES

xc: Docket Clerk, State Office of Administrative Hearings

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE

300 West 15th Street Suite 502
Austin, Texas 78701
Phone: (512) 475-4993
Fax: (512) 475-4994

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DOCKET NUMBER: 582-09-1252

JUDGE TOMMY L BROYLES

FAX TO:	FAX TO:
BLAS J. COY, JR. (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)	(512) 239-6377
XAVIER GUERRA (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)	(210) 545-4329
LES TROBMAN (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)	(512) 239-5533
JAMES JONES	VIA REGULAR MAIL
TCEQ CHIEF CLERK (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)	(512) 239-3311

TCEQ Docket Clerk, Fax Number 512/239-3311

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