

# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

November 29, 2011

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

**VIA FACSIMILE NO. 239-5533**

Re: SOAH Docket No. 582-10-1754; TCEQ Docket No. 2009-0096-MSW-E; In the Matter of an Enforcement Action Against Micro Dirt, Inc., d/b/a Texas Organic Recovery

Dear Mr. Trobman:

I have reviewed the following filings since issuing the June 18, 2011 Proposal for Decision (PFD) and the Proposed Order: (1) the November 4, 2011 Executive Director's (ED) Exception to the PFD (ED's Exception); (2) Micro Dirt, Inc., d/b/a/ Texas Organic Recovery's (Micro Dirt) November 7, 2011 Exceptions to the PFD (Micro Dirt's Exceptions); and (3) the ED's November 9, 2011 Reply to Micro Dirt's Exceptions.

I concur with the ED's Exception that the typographical error in Conclusion of Law No. 11 and Ordering Provision No. 1 be corrected by changing the reference 30 TEX. ADMIN. CODE § 332.3(a)(B) to 30 TEX. ADMIN. CODE § 332.3(a)(3). The correction should also be made to the reference on page 22 of the PFD-the ninth line of the first paragraph of Section VII. These changes conform to the citation used elsewhere in the PFD.

I do not recommend any other changes to the PFD or the Proposed Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard S. Seitzman".

Howard S. Seitzman  
Administrative Law Judge

HSS/pp  
cc: Mailing List