

**SOAH DOCKET NO. 582-10-1754
TCEQ DOCKET NO. 2009-0096-MSW-E**

**EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY,
Petitioner**

V.

**MICRO DIRT, INC. D/B/A TEXAS
ORGANIC RECOVERY;
RN100628288
Respondent**

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BEFORE THE

STATE OFFICE OF

ADMINISTRATIVE HEARINGS

THE EXECUTIVE DIRECTOR'S EXCEPTION TO THE ALJ'S PROPOSED ORDER

The Executive Director ("ED") of the Texas Commission on Environmental Quality, after reviewing the Administrative Law Judge's Proposal for Decision, files the following exception.

Conclusion of Law No. 11 and Ordering Provision No. 1

The ED respectfully recommends that the reference to 30 TEX. ADMIN. CODE § 332.3 in Conclusion of Law No. 11 and Ordering Provision No. 1 be changed from 30 TEX. ADMIN. CODE § "332.3(a)(B)" to "332.3(a)(3)".

Prayer

The ED respectfully requests the ALJ consider the ED's exception above.

Respectfully submitted,

Texas Commission on Environmental Quality

Mark Vickery, P.G.
Executive Director

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services

Kathleen C. Decker, Director
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by



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CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2011, the foregoing document was filed with the Chief Clerk, Texas Commission on Environmental Quality, Austin, Texas.

I further certify that on this day the foregoing document was served as indicated:

Via Facsimile

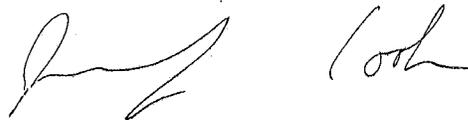
The Honorable Administrative Law Judge Howard Seitzman
State Office of Administrative Hearings
300 W. 15th Street, Suite 504
Austin, Texas 78701-1649

Via Electronically and Facsimile

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