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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 30, 2011

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

Re: ALJ's Proposal for Decision and Proposed Order regarding the application of Republic Waste Services of Texas, Ltd. for new Type V MSW Permit No. MSW-2356; TCEQ Docket No. 2009-2058-MSW; SOAH Docket No. 582-10-2069.

This letter concerns the scheduling of oral presentations for the Texas Commission on Environmental Quality's (Commission) deliberation and decision on the above-referenced matter. As previously notified, this matter has been set on the Commission's public meeting scheduled to begin at 9:30 a.m. on **Wednesday, December 7, 2011**. The Commission's meeting will take place in Room 201S of Building E, 12100 Park 35 Circle, Austin, Texas. 30 TAC § 80.263 provides as follows:

In proceedings where a judge has held a public hearing and has issued a proposal for decision or other report to the commission, all oral presentations before the commission shall be limited to five minutes each, excluding time for answering questions, unless the chairman or general counsel establishes other limitations. Before the commission meeting, the general counsel may allot time for oral presentations. Oral presentations and responses to questions shall be directed to the commission.

In recognition of the complexity of this case, the Office of General Counsel hereby extends the time for oral argument to 8 minutes for the Applicant and 8 minutes for the Protestants collectively. The Office of Public Interest Counsel's oral argument time will continue to be 5 minutes. The Protestants should apportion their 8 minutes among themselves prior to the public meeting and contact Cheli Castro, Agenda Coordinator, Office of the Chief Clerk at (512) 239-0534 by **5:00 p.m. Monday, December 5, 2011** to let her know how the time will be apportioned. The Applicant may save some time for rebuttal, as it bears the burden of proof.

Furthermore, if the Commissioners need additional information, they may ask questions of the parties after oral argument is completed. In light of the oral argument time periods previously found sufficient in complex matters and given the Commissioners' ability to question the parties to clarify any issues, the Office of General Counsel finds that the time period provided to the parties should be sufficient.

If you have any questions about 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

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