

**SOAH DOCKET NO. 582-08-2178
TCEQ DOCKET NO. 2007-1774-MSW**

**APPLICATION OF BFI WASTE § BEFORE THE STATE OFFICE
SYSTEMS OF NORTH AMERICA, §
INC., FOR A MAJOR AMENDMENT § OF
TO TYPE I MSW PERMIT NO. 1447A §
§ ADMINISTRATIVE HEARINGS**

**ORDER NO. 7
GRANTING MOTION TO SET HEARING ON MOTION
FOR CONTINUANCE AND ADDITIONAL TIME TO PREFILE**

On October 31, 2008, BFI Waste Systems of North America, Inc. (BFI); Giles Holdings, L.P.; and the City of Austin (Austin) entered into a Rule 11 agreement regarding the operation and closure of the BFI facility at issue in this case. They agreed that any Proposal for Decision (PFD) or permit issued in this case should contain certain conditions. Additionally, Austin agreed that its participation in the hearing on the merits in this case would be limited to presenting testimony and evidence supporting the Rule 11 agreement.

On November 7, 2008, the Northeast Neighbors Coalition (Northeast) filed a motion to continue the hearing on the merits of BFI's application and to grant Northeast additional time to prefile its direct case evidence. Northeast contends that:

- it had a joint defense agreement with Austin;
- had relied on Austin to present evidence on certain issues, especially land use;
- was surprised by Austin's agreement with BFI, particularly by Austin's announcement that it would only present evidence to support the Rule 11 agreement; and
- because it was surprised, should be given additional time to raise funds, hire a land use expert, and prefile its direct case.

On November 11, 2008, BFI filed a motion requesting a prehearing teleconference on the afternoon of November 13, 2008, on Northeast's motion for continuance and additional time to prefile. BFI indicated that it had conferred with all of the remaining parties and that they were

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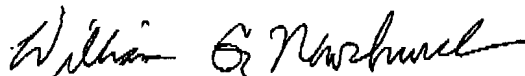
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available for the teleconference. BFI also offered to arrange for the teleconference if its motion is granted.

BFI's motion is granted. A teleconference will be held on Northeast's motions beginning at 2:00 p.m., November 13, 2008. BFI will make the necessary arrangements for the Parties to be called at that time at their numbers of record and the Judge to be called at (512) 475-4993.

SIGNED November 13, 2008.



WILLIAM G. NEWCHURCH
ADMINISTRATIVE LAW JUDGE
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STYLE/CASE: BFI WASTE SYSTEMS OF NORTH AMERICA INC
SOAH DOCKET NUMBER: 582-08-2178
REFERRING AGENCY CASE: 2007-1774-MSW

**STATE OFFICE OF ADMINISTRATIVE
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REGARDING:

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