

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 7, 2008

Ms. LaDonna Castañuela
Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711

Re: Waste Management of Texas, Inc.
TCEQ Docket No. 2006-1931-MSW
SOAH Docket No. 582-07-0863
Executive Director's Response to the Administrative Law Judge's Proposal for Decision

Dear Ms. Castañuela:

Enclosed for filing is the original Executive Director's Response to the Administrative Law Judge's Proposal for Decision in the above reference matter.

Please file stamp documents and return a copy to Anthony Tatu, Staff Attorney, Environmental Law Division, MC 173.

If you have any questions, please contact me at (512) 239.5778.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Tatu".

Anthony Tatu
Staff Attorney
Environmental Law Division

Cc: service list

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY
2008 APR -7 PM 3:31
CHIEF CLERKS OFFICE

SOAH Docket No. 582-07-0863
TCEQ Docket No. 2006-1931-MSW

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 APR -7 PM 3:32
CHIEF CLERKS OFFICE

APPLICATION OF WASTE
MANAGEMENT OF TEXAS, INC.

FOR A PERMIT AMENDMENT
TO EXPAND A TYPE 1 MUNICIPAL
SOLID WASTE LANDFILL FACILITY
(PERMIT NO. MSW-66B)

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**EXECUTIVE DIRECTOR'S RESPONSE TO THE ADMINISTRATIVE LAW JUDGE'S
PROPOSAL FOR DECISION**

**TO THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY AND THE HONORABLE ADMINISTRATIVE LAW
JUDGE:**

The Executive Director of the Texas Commission on Environmental Quality (TCEQ or Commission) files this Response to the Proposal for Decision (PFD) recommended by the Administrative Law Judge's in the above referenced case.

The Executive Director agrees with the Judge's PFD recommending that the Commission grant the application by Waste Management of Texas, Inc. for an amendment to MSW Permit No. 66B, with some revisions to the draft permit. The findings and recommendations are supported by the evidence in the administrative record.

Therefore, the Executive Director respectfully recommends that the Commission adopt the Administrative Law Judge's PFD and Order issuing the permit amendment to Waste Management of Texas, Inc.

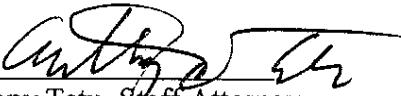
Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Glenn Shankle, Executive Director

Robert Martinez, Director
Environmental Law Division

By:



Anthony Tatu, Staff Attorney
TCEQ Environmental Law Division
State Bar No. 00792869

REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS
COMMISSION ON ENVIRONMENTAL
QUALITY

**SERVICE LIST
FOR
WASTE MANAGEMENT OF TEXAS, INC.
FOR A MUNICIPAL SOLID WASTE PERMIT AMENDMENT OF
PERMIT NO. 66B**

FOR THE APPLICANT:

Waste Management of Texas, Inc.
Bryan J. Moore
Vinson & Elkins
2801 Via Fortuna, Suite 100
Austin, Texas 78746-7568
Tel: 512/542-8729
Fax: 512/236-3257

FOR THE EXECUTIVE DIRECTOR:

Anthony Tatu, Staff Attorney
Texas Commission on Environmental
Quality Law Division, MC 173
P.O. Box 13087
Austin, Texas 78711-3087

Pladej Prompungtorn, Technical Staff
Texas Commission on Environmental
Quality
Waste Permits Division MC 124
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK:

LaDonna Castañuela
Texas Commission on Environmental
Quality
Office of the Chief Clerk, MC 105
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE OFFICE OF PUBLIC
INTEREST COUNSEL OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY:

Garrett Arthur
Office of Public Interest Counsel
Texas Commission on Environmental
Quality, MC 103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-6363
Fax: 512/ 239-6377

INTERESTED PARTIES:

City of New Braunfels
James Ballowe
Solid Waste Manager
424 S. Castell Ave.
New Braunfels, TX 78130
Tel: 512/ 830-221-4044
Fax: 512/ 830-608-2109

TJFA, L.P.

Lawrence G. Dunbar
Dunbar, Harder & Benson, LLP
One Riverway, Suite 1850
Houston, TX 77056
Tel: 713/782-4646
Fax: 713/782-5544

**SERVICE LIST
FOR
WASTE MANAGEMENT OF TEXAS, INC.
PROPOSED PERMIT NO. 66B
CONTINUED**

INTERESTED PARTIES:

Concerned Citizens and Landowners of
Comal and Guadalupe Counties:

Nancy Schwarzlose

2041 Schwarzlose Road

New Braunfels, Texas 78130

Tel: 830/372-1500

Fax: 830/608-0695

John Holtman

1520 Schwarzlose Road

New Braunfels, Tx 78130

Tel: 210/364-4618

SOAH DOCKET CLERK:

The Honorable Sarah G. Ramos

Administrative Law Judge


State Office of Administrative Hearing

300 West 15th Street, Suite 502

Austin, Texas 78703

CERTIFICATE OF SERVICE

I certify that on April 7, 2008, the foregoing was sent by first-class mail, agency mail, or facsimile to all persons on the mailing list.



Anthony Tatu, Staff Attorney
Environmental Law Division
Texas State Bar No. 00792869

TEXAS
DEPARTMENT OF
STATE
CLERK OF COURTS
QUALITY

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