



OFFICE of the ATTORNEY GENERAL  
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NATURAL RESOURCES DIVISION  
FAX TRANSMITTAL FORM

DATE: 5-21-09

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COMMENTS OR INSTRUCTIONS: Notice of Public Admin Record

Transmittal O.K. N.G.

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CAUSE NO. D-1-GN-08-004503

TJFA, L.P. and CONCERNED CITIZENS  
AND LAND OWNERS  
Plaintiffs

V.

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY  
Defendant.

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IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

53<sup>rd</sup> JUDICIAL DISTRICT

Filed in The District Court  
of Travis County, Texas

BP MAY 21 2009

AM  
Analia Rodriguez-Mendoza, Clerk

**NOTICE OF TRANSMITTAL OF ADMINISTRATIVE RECORD**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Texas Commission on Environmental Quality (TCEQ), Defendant, by and through Greg Abbott, the Attorney General of Texas, and files this Notice of Transmittal of Administrative Record.

Pursuant to Texas Government Code section 2001.175(b), the TCEQ hereby transmits to the District Clerk of this Court a certified copy of the record considered by the hearing examiner(s) and the TCEQ Commissioners in the agency proceedings under review in this cause. The record, the index to which is attached hereto, is in three (3) boxes as follows:

- I. The pleadings, correspondence, and other papers are in Volumes 1 through 9.
- II. The transcripts and tape are in Volumes 10 through 12.
- III. The exhibits are contained in Volumes 13 through 16.

Respectfully submitted,


GREGG ABBOTT  
Attorney General of Texas

C. ANDREW WEBER  
First Assistant Attorney General

DAVID S. MORALES  
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\_\_\_\_\_  
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ATTORNEYS FOR TEXAS COMMISSION  
ON ENVIRONMENTAL QUALITY

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Transmittal of Administrative Record has been sent by method indicated, to those persons listed below, this

21<sup>st</sup> day of May, 2009:

Lawrence G. Dunbar  
Dunbar Harder PLLC  
One Riverway, Suite 1850  
Houston, Texas 77056  
(Certified Mail, RRR)

  
\_\_\_\_\_  
CYNTHIA WOELK

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TJFA, L.P. and Concerned Citizens and Land Owners

v.

Texas Commission on Environmental Quality

STATE OF TEXAS

COUNTY OF TRAVIS

Cause No. D-1-GN-08-00004503

AFFIDAVIT CERTIFYING ADMINISTRATIVE RECORD

BEFORE ME, the undersigned notary public on this day personally appeared Debbie Wahrmond, known to me to be the person whose name is subscribed below and, who, being by me duly sworn, did depose as follows:

"My name is Debbie Wahrmond. I am over 18 years of age, of sound mind and capable of making this Affidavit Certifying Administrative Record, and I am personally acquainted with the facts herein stated.

I am the official custodian of files and records of the Texas Commission on Environmental Quality (TCEQ), and I hereby certify that the attached is a true and correct copy of the administrative record made before TCEQ in the matter styled TJFA, L.P. and Concerned Citizens and Land Owners v. Texas Commission on Environmental Quality, in the 53rd Judicial District Court of Travis County, Texas. The records attached hereto are the exact duplicates of the original.

IN WITNESS WHEREOF, I subscribe my name, and affix the seal of TCEQ for the State of Texas, at my office in the City of Austin, Texas, on this 13th day of April, 2009."



Debbie Wahrmond
Debbie Wahrmond, Alternate Custodian of Records
Texas Commission on Environmental Quality

Sworn to and subscribed before me this 13th day of April, 2009.

Patricia Love
Notary Public

## Texas Commission on Environmental Quality

Application of Waste Management of Texas, Inc.

MSW PA/66B/SO

TCEQ Docket No. 2006-1931-MSW

SOAH Docket No. 582-07-08-63

Before the 53<sup>rd</sup> Judicial District Court  
of Travis County, Texas

*TJFA, L.P. and Concerned Citizens and Land Owners*

v.

*Texas Commission on Environmental Quality*

Cause No. D-1-GN-08-004503

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2	1/29/07	Order No.1- Continuing Preliminary Hearing.

3	02/28/07	<b>Order No.2- Resetting Preliminary Hearing.</b>
4	03/09/07	Notice of Hearing Package
5	03/19/07	Newspaper Clippings and Publisher's Affidavits Combined Notice.
5a	04/12/07	Applicants Waste Management of Texas, Inc.'s (WMTX) Proposed Procedural Schedule
6	04/25/07	<b>Order No.3- Establishing Prehearing Schedule, Setting Prehearing Conference and Hearing on the Merits.</b>
7	05/14/07	WMTX's Objections to TJFA'S Proposed Procedural Schedule.
8	05/17/07	Letter with two Proposed Procedural Schedule(s) attached, from Lawrence G. Dunbar, Attorney for Protestant TJFA to all parties.
9	05/18/07	Fax Message re: response to Proposed Procedural Schedules, from Nancy Schwarzlose, Representative-Concerned Citizens & Landowners.
10	05/24/07	Resolution 2007-R24 "A Resolution of the City Council of the City of New Braunfels, Texas Determining a Public Necessity for the Comal County Landfill Expansion and Giving Notice of an Official Support for Such Expansion" from Bruce Boyer, Mayor.
11	06/15/07	Protestant TJFA, LP's Request for Disclosure, from Lawrence G, Dunbar, Attorney for Protestant TJFA, LP.
12	06/20/07	Applicants WMTX Motion for Entry of a Procedural Schedule.
13	06/25/07	Protestant TJFA'S Response to Applicant WMTX's Motion for Entry of A Procedural Schedule.
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		Public Comments in separate folder, see Volume 16
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16	07/03/07	Protestant TJFA'S Motion for Reconsideration of Order No. 4.
17	07/06/07	Applicant WMTX's Response to TJFA's Motion for Reconsideration.
18	07/25/07	Applicant WMTX's Supplemental Response to TJFA's Motion for Reconsideration.
19	08/01/07	ED's Expert Witness Designations, from Anthony Tatu, Attorney, TCEQ.
20	08/01/07 08/02/07	Protestants Guadalupe County and the TJFA, LP's Designation of Expert Witnesses and Amended Designation of Expert Witnesses, from Lawrence G. Dunbar, Attorney for TJFA, LP.
21	08/30/07	WMTX's Motion to Quash Oral Deposition of Don Smith, from Lawrence G. Dunbar, Attorney for Protestants TJFA, LP. (Notice of Intent to Take Deposition attached as Exhibit A)
22	09/10/07	<b>Order No.5- Motion for Reconsideration, from Sarah G. Ramos, Administrative Law Judge (ALJ) State Office of Administrative Hearings (SOAH).</b>

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27	09/17/07	ED's Rule 194 Disclosure Regarding Experts and Persons with Knowledge, from Anthony Tatu, TCEQ.
28	10/01/07	WMTX's Motion to Strike and Preclude Testimony for Failure to Provide Disclosures.
29	10/02/07	<b>Order No.6-</b> Regarding Hearing Location, from Sarah G. Ramos, ALJ, SOAH.
30	10/01/07	ED's Rule Prefiled Testimony of Pladej Prompungtorn and Johnny Williamson, from Amie Dutta Richardson, TCEQ.
31	10/04/07	Protestant TJFA's Response to WMTX Motion to Strike and Preclude Testimony, from Lawrence Dunbar, Attorney, Dunbar Harder PLLC
32	10/05/07	Applicant WMTX's Objections to and Motion to Strike Prefiled Testimony, from M. Nicole Adame Winningham.
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34	10/11/07	Guadalupe County's Response to Objections to and Motion to Strike Pre-Filed Testimony From WMTX, from Robert Etlinger, Guadalupe County Attorney.
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56	05/05/08	Letter re: Recommend changes to the PFD, from Sarah G. Ramos, ALJ, SOAH.
57	07/16/08	Letter re: ALJ's Proposal for Decision and Proposed Order and notice of oral presentations on Aug. 6, 2008, from Les Trobman, General Counsel, TCEQ to persons on mailing list
58	07/15/08	Letter re: hearing schedule on August 6, 2008 at 1:00 pm, from LaDonna Castanuela, Chief Clerk, TCEQ.
59	08/27/08	Letter re: Public Meeting of Wednesday, September 10, 2008 at 1:00 pm, from Les Trobman, General Counsel, TCEQ.

60	08/04/08	Letter to confirm full support of the Mesquite Creek Landfill proposed expansion, from Danny Scheel, County Judge Comal County to TCEQ
61	10/03/08	Ltr re: Decision of the Commission on Application and information on filing a motion for rehearing, from LaDonna Castanuela, Chief Clerk, TCEQ to all parties
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