Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 13, 2008

2008 OCT 13 PM 2:02
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

To: Persons on the attached Mailing List (By mail, and facsimile as indicated)

Re: Appeal of the Executive Director's Negative Use Determination issued to Mont Belvieu Caverns, LLC for the Mont Belvieu North Storage Facility Application No. 07-11881; TCEQ Docket No. 2008-0940-MIS-U.

The above-named matter is currently scheduled to be considered by the Texas Commission on Environmental Quality ("TCEQ") at its October 22, 2008, public meeting. However, on October 10, 2008, Mont Belvieu Caverns, LLC ("Appellant") filed a motion requesting a continuance of this matter. The TCEQ Executive Director ("ED"), the Office of Public Interest Counsel ("OPIC"), and the Chambers County Appraisal District have no objections to the Respondent's motion. Accordingly, the TCEQ's Office of General Counsel, pursuant to 30 Texas Administrative Code §10.4, is continuing the above-named matter to the TCEQ's public meeting of **Wednesday, December 10, 2008**, beginning at **9:30 A.M.** The meeting will take place in Room 201S of Building E, 12100 Park 35 Circle, Austin, Texas.

If you have any questions regarding this matter, please contact John Sedberry, Assistant General Counsel, at 512-239-6575.

Respectfully,

Les Trobman
General Counsel

Mailing List

Mailing List
Mont Belvieu North Storage
TCEQ Docket No. 2008-0940-MIS-U

Chris G. Cisneros
Mont Belvieu Caverns LLC
Ad Valorem Tax
P.O. Box 4018
Houston, Texas 77210-4018
713/803-2895 FAX 713/803-1412

Michael L. Fregia, Chief Appraiser
Chambers County Appraisal District
P.O. Box 1520
Anahuac, Texas 77514
409/267-3795 FAX 409/267-6192

Michael L. Fregia, Chief Appraiser
Chambers County Appraisal District
404 Washington St.
Anahuac, Texas 77514
409/267-3795 FAX 409/267-6192

Ron Hatlett
David Greer
TCEQ Small Business & Environmental
Assistance Division MC 110
P.O. Box 13087
Austin, Texas 78711-3087
512/239-3100 FAX 512/239-5678

Robert Martinez
TCEQ Environmental Law Division MC 173
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0600 FAX 512/239-0606

Blas Coy
TCEQ Office of Public Interest Counsel MC 103
P.O. Box 13087
Austin, Texas 78711-3087
512/239-6363 FAX 512/239-6377

Docket Clerk
TCEQ Office of Chief Clerk MC 105
P.O. Box 13087
Austin, Texas 78711-3087
512/239-3300 FAX 512/239-3311

Bridget Bohac
TCEQ Office of Public Assistance MC 108
P.O. Box 13087
Austin, Texas 78711-3087
512/239-4000 FAX 512/239-4007

Kyle Lucas
TCEQ Alternative Dispute
Resolution Program MC 222
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0687 FAX 512/239-4015

Edward C. Lewis
Fulbright & Jaworski L.L.P.
Fulbright Tower
1301 McKinney, Suite 5100
Houston, Texas 77010-3095
713/651-5151 FAX 713/651-5246

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 10 PM 3:20
CHIEF CLERKS OFFICE

FULBRIGHT & JAWORSKI L.L.P.
A REGISTERED LIMITED LIABILITY PARTNERSHIP
FULBRIGHT TOWER
1301 MCKINNEY, SUITE 5100
HOUSTON, TEXAS 77010-3095
WWW.FULBRIGHT.COM

EDWARD C. LEWIS
PARTNER
ELEWIS@FULBRIGHT.COM

DIRECT DIAL: (713) 651-5760
TELEPHONE: (713) 651-5151
FACSIMILE: (713) 651-5246

October 10, 2008

VIA FACSIMILE 512-239-3311

LaDonna Castaneula, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
Bldg. F, Room 1101
12100 Park 35 Circle
Austin, Texas 78753

Re: TCEQ Docket No. 2008-0940-MIS-U; TCEQ ID #07-11881
Use Determination for Mont Belvieu Caverns, LLC

Dear Ms. Castaneula:

Enclosed for filing, please find Appellant's Unopposed Motion for Continuance. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Eddie Lewis

Edward C. Lewis
Counsel for Appellant

ECL/jnb
Enclosure

AUSTIN • BEIJING • DALLAS • DENVER • DUBAI • HONG KONG • HOUSTON • LONDON • LOS ANGELES • MINNEAPOLIS
MUNICH • NEW YORK • RIYADH • SAN ANTONIO • ST. LOUIS • WASHINGTON DC

cc with enclosure via telecopier:

Les Trobman
John Sedberry
TCEQ, General Counsel
Office of the General Counsel, MC
P. O. Box 13087
Austin, Texas 78711-3087
Telecopier: (512) 239- 5533

D.A. Chris Ekoh, Staff Attorney
TCEQ, Environmental Law Division MC 173
P. O. Box 13087
Austin, Texas 78711-3087
Telecopier: (512) 239-0606

Blas J. Coy, Jr.
Garrett Arthur
TCEQ, Office of Public Interest Counsel MC 103
P. O. Box 13087
Austin, Texas 78711-3087
Telecopier (512) 239- 6377

cc with enclosure via regular mail:

Michael L. Fregia, Chief Appraiser
Chambers County Appraisal District
P. O. Box 1520
Anahuac, Texas 77514

Chris G. Cisneros
Mont Belvieu Caverns, LLC
Ad Valorem Tax
P. O. Box 4018
Houston, Texas 77210-4018

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 OCT 10 PM 3:20
CHIEF CLERKS OFFICE

TCEQ DOCKET NO. 2008-0940-MIS-U

APPEAL OF THE EXECUTIVE DIRECTOR'S NEGATIVE USE DETERMINATION ISSUED TO MONT BELVIEU CAVERNS, LLC FOR THE MONT BELVIEU NORTH STORAGE FACILITY APPLICATION NO. 07-11881	§ § § § § § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

APPELLANT'S UNOPPOSED MOTION FOR CONTINUANCE

COMES NOW MONT BELVIEU CAVERNS, LLC ("Appellant") and files this its Unopposed Motion for Continuance , and would show as follows:

I.
Background

1. Appellant has received notice from Mr. Les Trobman, General Counsel of the Texas Commission on Environmental Quality (the "Commission"), indicating that the Commission would consider this matter at the Commission's public meeting scheduled to begin at 9:30 a.m. on Wednesday, October 22, 2008.

2. Appellant is represented in this matter by Mr. Edward Kliewer III and Mr. Edward C. Lewis of Fulbright & Jaworski L.L.P. Both counsel would like the opportunity to attend and participate in the Commission's hearing regarding this matter. Mr. Lewis will be unavailable to attend and participate in the hearing, as scheduled, because he will be out of the country. Mr. Lewis's travel was scheduled prior to Appellant's receipt of Mr. Trobman's notice.

II.

Motion for Continuance is Unopposed

3. Counsel for Appellant has contacted each of the parties participating in this matter. Each party does not oppose a continuance.

III.

Request for Hearing Date

4. Appellant requests that the hearing in this matter be rescheduled to November 5, 2008 or November 19, 2008, and Appellant has confirmed that all parties are available on these dates. This afternoon, Appellant became aware that the December 10, 2008 agenda may have more flexibility than the November 5, 2008 and November 19, 2008 agendas. If neither the November 5, 2008 nor November 19, 2008 agenda are available for rescheduling, Appellant would request that the matter be rescheduled to the December 10, 2008 agenda, but, except for the Executive Director, Appellant has been unable to reach the other parties this afternoon to verify their availability for this latter date. If none of November 5, 2008, November 19, 2008 or December 10, 2008 dates are acceptable to the Commission, Appellant respectfully withdraws this Unopposed Motion for Continuance.

IV.

Prayer

WHEREFORE, PREMISES CONSIDERED, Appellant respectfully requests that the Commission grant Appellant's Unopposed Motion for Continuance and reschedule the hearing in this matter to November 5, 2008, November 19, 2008, or December 10, 2008.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

Edward C. Lewis
State Bar No. 00786058
1301 McKinney, Suite 5100
Houston, Texas 77010
Telephone: 713.651.5151
Telecopier: 713.651.5246

Edward Kliewer III
State Bar No. 11570500
300 Convent, Suite 2200
San Antonio, Texas 78205
Telephone: 210.224.5575
Telecopier: 210.270.7205
Attorneys for Appellant
MONT BELVIEU CAVERNS, LLC

2008 OCT 10 PM 3:19
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

FULBRIGHT & JAWORSKI L.L.P.
A REGISTERED LIMITED LIABILITY PARTNERSHIP
FULBRIGHT TOWER
1301 MCKINNEY, SUITE 5100
HOUSTON, TEXAS 77010-3095
WWW.FULBRIGHT.COM

FACSIMILE TRANSMISSION

DATE: October 10, 2008 **MATTER NUMBER:** 07675 10809642

RECIPIENT(S):	FAX NO.:	PHONE NO.:
LaDonna Castaneula, Chief Clerk	512-239-3311	

FROM: Edward C. Lewis **FLOOR:** 42

PHONE: (713) 651-3760 **FAX:** (713) 651-5246

RE: Unopposed Motion for Continuance

NUMBER OF PAGES INCLUDING COVER PAGE: 6

MESSAGE:

CAUTION - CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THE FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL
_____ AT _____ AS SOON AS POSSIBLE.

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 1, 2008

To: Persons on the Attached Mailing List (by mail and facsimile as indicated)

Re: Appeal of the Executive Director's Use Determinations regarding Mont Belvieu North Storage, TCEQ Use Determination No. 07-11881; TCEQ Docket No. 2008-0940-MIS-U.

This letter is to notify you that the Texas Commission on Environmental Quality (TCEQ or Commission) will consider the above-described appeals and all related filings during the Commission's public meeting scheduled to begin at **9:30 A.M.** on **Wednesday, October 22, 2008**.

During the public meeting, the Mont Belvieu Caverns, LLC (MBC), or their representative may speak first and save part of their time for rebuttal since MBC has filed the appeals at issue here. MBC has five minutes for its oral presentation, including the time for rebuttal argument. The Chief Appraiser for Chambers County Appraisal District (or his representative) may speak next, followed by the Executive Director (or his representative), and thereafter, the Office of Public Interest Counsel. The Chief Appraiser, the Executive Director, and the Office of Public Interest Counsel each have a total time of five minutes for their oral presentations.

If you have any questions about the public meeting or related matters, please contact John Sedberry at (512) 239-6575.

Very truly yours,

Les Trobman
General Counsel

Mailing List

Mailing List
Mont Belvieu North Storage
TCEQ Docket No. 2008-0940-MIS-U

Chris G. Cisneros
Mont Belvieu Caverns LLC
Ad Valorem Tax
P.O. Box 4018
Houston, Texas 77210-4018
713/803-2895 FAX 713/803-1412

Michael L. Fregia, Chief Appraiser
Chambers County Appraisal District
P.O. Box 1520
Anahuac, Texas 77514
409/267-3795 FAX 409/267-6192

Michael L. Fregia, Chief Appraiser
Chambers County Appraisal District
404 Washington St.
Anahuac, Texas 77514
409/267-3795 FAX 409/267-6192

Ron Hatlett
David Greer
TCEQ Small Business & Environmental
Assistance Division MC 110
P.O. Box 13087
Austin, Texas 78711-3087
512/239-3100 FAX 512/239-5678

Robert Martinez
TCEQ Environmental Law Division MC 173
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0600 FAX 512/239-0606

Blas Coy
TCEQ Office of Public Interest Counsel MC 103
P.O. Box 13087
Austin, Texas 78711-3087
512/239-6363 FAX 512/239-6377

Docket Clerk
TCEQ Office of Chief Clerk MC 105
P.O. Box 13087
Austin, Texas 78711-3087
512/239-3300 FAX 512/239-3311

Bridget Bohac
TCEQ Office of Public Assistance MC 108
P.O. Box 13087
Austin, Texas 78711-3087
512/239-4000 FAX 512/239-4007

Kyle Lucas
TCEQ Alternative Dispute
Resolution Program MC 222
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0687 FAX 512/239-4015

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 JUN 30 AM 11: 14

CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 27, 2008

To: Persons on the Attached Mailing List (by mail and facsimile as indicated)

Re: Appeal of the Executive Director's Use Determinations regarding Mont Belvieu North Storage, TCEQ Use Determination No. 07-11881; TCEQ Docket No. 2008-0940-MIS-U.

The above-referenced appeal (Appeal) was filed by Mont Belvieu Caverns, LLC (Appellant). Appellant requests Commission consideration of the negative use determination for its Brine Storage Pond Project (Use Determination No. 07-11881). As is our general practice with regard to Use Determination appeals, this office is requesting the filing of legal briefs or responses to the Appeals by the Executive Director, the Office of Public Interest Counsel, and the **Chief Appraiser for the Chambers County Appraisal District** and the subsequent filing of a legal reply to the responses by the Appellant. The briefs should contain a full discussion of the parties' legal and factual reasons for their positions.

This letter is to notify the Chief Appraiser for the Chambers County Appraisal District, the Executive Director, and the Office of Public Interest Counsel that they may file a response brief in the Commission's Office of Chief Clerk (OCC) on or before **5:00 P.M.** on **Monday, July 28, 2008**. The Appellant may file a reply brief to the response briefs on or before **5:00 P.M.** on **Monday, August 18, 2008**. To be considered timely, an original and eleven copies of any response or reply brief must be received in the OCC on or before the applicable 5:00 P.M. deadline. All briefs filed with the OCC should also be addressed to the attention of the Agenda Docket Clerk and be marked with the TCEQ Docket numbers provided above. All response and reply briefs should also be mailed to all other persons on the attached mailing list on the same day mailed or filed in the Office of Chief Clerk. After receipt of all briefs, you will be notified by subsequent letter of the Commission meeting during which the Commissioners will consider this matter.

Chapter 17 of the Commission's rules (30 Texas Administrative Code Chapter 17) contains the requirements applicable to Use Determinations, including the rules that address the review standards and appeal process. The website of the Texas Secretary of State (http://www.sos.state.tx.us/tac/index.shtml) contains a complete copy of the Texas Administrative Code, including Chapter 17 of Title 30.

If you have any questions about the briefing schedule or related matters, please contact John Sedberry, Assistant General Counsel, at 512-239-6575.

Very Truly Yours,

Les Trobman
General Counsel

Mailing List

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Mont Belvieu North Storage
TCEQ Docket No. 2008-0940-MIS-U

Chris G. Cisneros
Mont Belvieu Caverns LLC
Ad Valorem Tax
P.O. Box 4018
Houston, Texas 77210-4018
713/803-2895 FAX 713/803-1412

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404 Washington St.
Anahuac, Texas 77514
409/267-3795 FAX 409/267-6192

Ron Hatlett
David Greer
TCEQ Small Business & Environmental
Assistance Division MC 110
P.O. Box 13087
Austin, Texas 78711-3087
512/239-3100 FAX 512/239-3165

Robert Martinez
TCEQ Environmental Law Division MC 173
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0600 FAX 512/239-0606

Blas Coy
TCEQ Office of Public Interest Counsel MC 103
P.O. Box 13087
Austin, Texas 78711-3087
512/239-6363 FAX 512/239-6377

Docket Clerk
TCEQ Office of Chief Clerk MC 105
P.O. Box 13087
Austin, Texas 78711-3087
512/239-3300 FAX 512/239-3311

Bridget Bohac
TCEQ Office of Public Assistance MC 108
P.O. Box 13087
Austin, Texas 78711-3087
512/239-4000 FAX 512/239-4007

Kyle Lucas
TCEQ Alternative Dispute
Resolution Program MC 222
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0687 FAX 512/239-4015