



CITY OF HOUSTON
Legal Department

Bill White

Mayor

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CHIEF CLERKS OFFICE
JUL -5 PM 3:25
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

July 3, 2007

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

Re: Application by Southern Crushed Concrete, Inc., to Change the Location of a Concrete Crushing Facility in Harris County; SOAH Docket No. 582-05-1040; TCEQ Docket No. 2004-0839-AIR.

Request for Extension of Time to File Brief

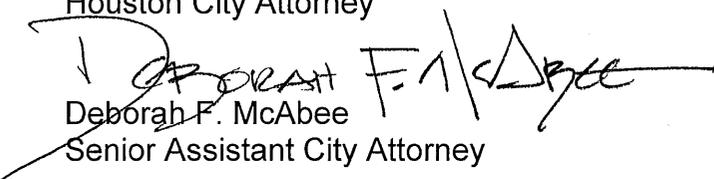
Dear Ms. Castañuela:

Enclosed please find an original and 11 copies of the **Letter to Mr. Seal on Request for an Extension of Time to Submit Briefs** in the matter referenced above. Copies of this filing were provided to the Administrative Law Judge and all parties by fax and first class mail.

If you have any questions or comments, please call me at 713-437-6707. Thank you for your time and consideration.

Sincerely,

Arturo G. Michel
Houston City Attorney


Deborah F. McAbee
Senior Assistant City Attorney

Enclosures
cc: Mailing List



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July 3, 2007

Derek Seal
General Counsel
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

Via Facsimile (512) 239-5533 and first class mail

Re: Application by Southern Crushed Concrete, Inc., to Change the Location of a Concrete Crushing Facility in Harris County; TCEQ Docket No. 2004-0839-AIR; SOAH Docket No. 582-05-1040

Request for Extension of Time to File Brief

Dear Mr. Seal:

By facsimile dated June 29, 2007, the City of Houston received your request that parties in the above noted matter file briefs addressing the City of Houston Ordinance regarding concrete crushing facilities referred to in correspondence from Senator Rodney Ellis. The facsimile was received at approximately 5:00 p.m. on a Friday afternoon before a holiday week.

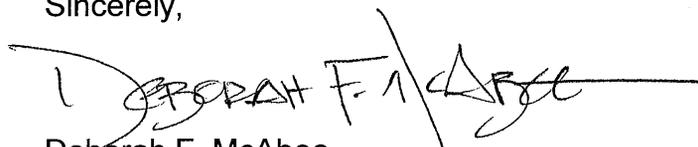
The only city attorney who has worked on this matter for the City of Houston, Iona Givens McAvoy, is out of the office for the entire week on a vacation that had been scheduled for some time. Therefore, I respectfully request that the time to file the requested brief be extended from Wednesday, July 11, 2007, to Friday July 20, 2007, so that sufficient time to prepare a brief is provided.

Letter to General Counsel Request for Extension of Time to File Brief
July 3, 2007

This is a very important proceeding to the City of Houston and its' citizens. Adequate legal counsel is necessary to ensure that the City's interests are represented. In addition, Counsel for Harris County has informed me that Martina Cartwright, Counsel for Citizens Against Southern Crushed Concrete and Texas Pipe and Supply Company, Ltd., is also out of the country for the entire week. Because of the absence of Counsel who have played important roles in this proceeding, Counsel for Harris County and the Public Interest Counsel also support this request for an extension of time to file the brief.

I appreciate your consideration of this request for extension of time to file the brief. Please contact me at 713-437-6707 if you have any questions regarding this request.

Sincerely,



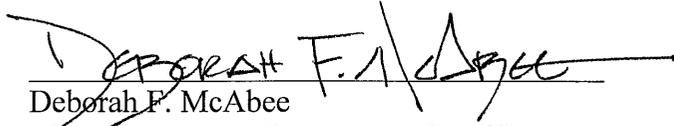
Deborah F. McAbee
Senior Assistant City Attorney
Division Chief, Land Use

Enclosures

cc: Mailing List

CERTIFICATE OF SERVICE
SOAH DOCKET NO. 582-05-1040
TCEQ Docket No. 2004-0839-AIR

I, Deborah F. McAbee, do hereby certify that on July 3, 2007, true and correct copies of the foregoing "Letter to Mr. Seal on Request for Extension of Time to File Brief" in the above-docketed proceeding were sent via facsimile and First Class Mail to the persons listed on the attached mailing list.


Deborah F. McAbee
City of Houston, City Attorney's Office

MAILING LIST
SOUTHERN CRUSHED CONCRETE, INC.
SOAH Docket No. 582-05-1040
TCEQ Docket No. 2004-0839-AIR

Hon. Craig R. Bennett
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025
(512) 475-4993 FAX (512) 475-4994

LaDonna Castañuela
TCEQ Office of the Chief Clerk
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Bridget Bohac
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Kyle Lucas
TCEQ Alternative Dispute Resolution Program
MC 108
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Austin, Texas 78711-3087
(512) 239-0687 FAX (512) 239-4015

The Honorable Rodney Ellis
Texas State Senate
P.O. Box 12068
Austin, Texas 78711
(512) 463-0113 FAX (512) 463-0006

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Houston, Texas 77002
(713) 755-8284 FAX (713) 755-2680



CITY OF HOUSTON
Legal Department

Fax

Post Office Box 368
Houston, Texas 77001-0368
City Hall Annex
900 Bagby, 3rd Floor

To: Derek Seal, General Counsel, TCEQ **Date:** 07/03/07 **Urgent**

Fax Number: 512-239-5533 **Phone Number:** 512-239-5500 **Please comment**

From: Elizabeth Jennings, on behalf of Deborah F. McAbee **Pages:** 6 **For Review**

Fax Number: 713-247-1017 **Phone Number:** 713-437-6707 **Please Reply**

Please Recycle

Comments

Attached is a letter from the City of Houston requesting an extension of time to file briefs in TCEQ Docket No. 2004-0839-AIR; SOAH Docket No.582-05-1040.

CC: Derek McDonald

Pamela Giblin		
Whitney L. Swift	Baker Botts LLP	512-322-2501
Martina Cartwright	Citizens Against Southern Crushed Concrete	713-313-1191
Iona Givens	City of Houston	713-247-1017
Snehal R. Patel	Harris County Attorney's Office	713-755-2680
Honorable Sheila Jackson Lee		713-655-1612
Craig R. Bennett	State Office of Administrative Hearings	512-475-4994
Brad A. Patterson	TCEQ Environmental Law Division	512-239-0606
Mary Alice C. McKaughan	TCEQ Office of Public Interest Counsel	512-239-6377
Donna Castanuela	TCEQ Office of Chief Clerk	512-239-3311
Bridget Bohac	TCEQ Office of Public Assistance	512-239-4015
Kyle Lucas	TCEQ ADR Program	512-239-4015
Honorable Rodney Ellis	Senate	512-463-0006

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