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September 19, 2013

Kyle Lucas, MC 222
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

TO: Mr. Kyle Lucas, Attorney-Mediator

**RE: Request for Abatement; Docket No. 2013-1036-MWD; New Way Land Development, LLC;
TPDES Permit No. WQ0015058001**

On behalf of the Applicant, New Way Development, LLC, and with the agreement of the Requester, the City of Cotulla, I am requesting an indefinite abatement of the September 24th Commission consideration of this matter. I believe that a settlement between New Way Development and the Requesters is highly likely, but would like additional time to finalize.

I appreciate your assistance. Please feel free to contact me if you have any questions.

Sincerely,

Abe Salinas, P.E., Project Engineer
pp Russell Morkovsky, P.E., Vice President

cc: Larry Dovalina, City of Cotulla
Steve Pena, Law Offices of Davidson Trollo Ream & Garza
Robert Anthony, New Way Land Development, LLC

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 19, 2013

Les Trobman, General Counsel
Texas Commission on Environmental Quality
P.O. Box 13087, MC-101
Austin, Texas 78711-3087

via hand delivery

**Re: New Way Land Development, LLC; Application for Permit WQ0015058001
TCEQ Docket No. 2013-1035-MWD**

General Counsel Trobman:

On behalf of the parties to this matter, in accordance with the attached request from Applicant, and Pursuant to 30 TAC §10.4, the Alternative Dispute Resolution (ADR) Program of the Texas Commission on Environmental Quality (TCEQ) requests that consideration of this matter, currently scheduled for the Commission's September 24, 2013 agenda meeting, be abated indefinitely to allow the parties additional time for settlement efforts. I have spoken with Executive Director representative Chris Ekoh, OPIC representative Amy Swanholm, neither of whom have any objection to this abatement request. Should the parties later need to proceed with Commission consideration of this matter, Applicant shall request a new setting.

Thank you for your attention to this matter. Should you have any questions, please contact me at 512/239-0687.

Respectfully,

A handwritten signature in black ink, appearing to read "Kyle Lucas".

Kyle Lucas, Attorney-Mediator
Alternative Dispute Resolution Program, Office of General Counsel
Texas Commission on Environmental Quality
P.O. Box 13087, MC-222
Austin, Texas 78711-3087
512/239-0687 FAX 512/239-4015

CHIEF CLERKS OFFICE

2013 SEP 19 PM 4:45

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Cc (via email service only): TCEQ Executive Director rep Chris Ekoh, OPIC rep Amy Swanholm; Applicant rep Russell Morkovsky, Protestants' rep Steve Pena