

TPDES Permit No. WQ0015010001

APPLICATION BY ABRAXAS	§	BEFORE THE TEXAS
CORPORATION FOR A NEW TEXAS	§	
POLLUTANT DISCHARGE	§	COMMISSION ON
ELIMINATION SYSTEM PERMIT	§	
NO. WQ0015010001	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR’S RESPONSE TO HAYWIRE RANCH MOTION FOR CONTINUANCE

The Executive Director (ED) of the Texas Commission on Environmental Quality (Commission or TCEQ) files this response to the motion for continuance filed January 29, 2015 by Haywire Ranch on Abraxas Corporation’s (Abraxas) application for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015010001 scheduled for Commission Agenda February 4, 2015.

The Agenda setting letter was mailed December 30, 2014 inviting responses from the ED, Office of Public Interest Counsel (OPIC), and Abraxas due January 11, 2015 to the hearing requests filed by the City of Fort Worth and Haywire Ranch. Protestant responses to those filings were due January 26, 2015. No response was filed by Haywire Ranch.

In a separate filing on January 27, 2015, Haywire Ranch informed the Commission that they had a new mailing address that had been effective since December 1, 2013. On January 29, 2015, Haywire Ranch filed a motion for continuance on this matter “until timely notice can be provided” so that Haywire Ranch “may participate in the hearing.”

The ED recommends denial of the motion for the following reasons. Haywire Ranch had more than one year to inform the Commission of their new mailing address so that they would timely receive mailed correspondence from the Commission regarding this ongoing matter and failed to do so. Secondly, a continuance as requested by Haywire Ranch would simply delay the agenda setting to a later date, not re-open the record for additional filings on the responses to the hearing requests. Lastly, the motion is silent to whether any of the other parties to this matter were consulted regarding whether any there were any concerns with continuing this matter to a later date.

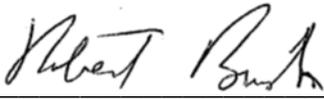
It should also be noted that if the Commission refers this matter to the State Office of Administrative Hearings (SOAH) as recommended by the ED and OPIC, Haywire Ranch has the option to seek party status at the preliminary hearing. If the matter is not referred to SOAH by the Commission, Haywire Ranch has the option of filing a Motion for Rehearing regarding that decision. *See* 30 TAC § 50.119 – Motion for Rehearing.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

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By: 

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CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2015 the original and seven true and correct copies of the Executive Director's Response to Haywire Ranch's Motion For Continuance relating to the application of Abraxas Corporation TPDES Permit No. WQ001501001 were filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list via hand delivery, electronic mail, facsimile transmission, or by deposit in the U.S. Mail.



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