



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 26, 2015

To: Persons on the attached mailing list (by mail and facsimile as indicated)

Re: Hamilton Pool Road Matter's Motion to Strike a Reply filed by JPHD, Inc.; TCEQ Docket No. 2015-0664-MWD.

Hearing requests in the above-referenced matter are scheduled to be considered by the Texas Commission on Environmental Quality at its July 1, 2015 public meeting. By letter dated May 27, 2015, TCEQ's Chief Clerk informed the parties that the applicant, the Executive Director of the TCEQ (the "ED"), and the Public Interest Counsel of the TCEQ ("OPIC") were entitled to file a formal written response to the hearing requests on or before 5:00 p.m. on June 8, 2015. Additionally, the letter informed the hearing requesters that they may file a formal written reply to these responses on or before 5:00 p.m. on June 22, 2015.

On June 7, 2015, the applicant, JPHD, Inc. ("JPHD") filed a response to the hearing requests. On June 22, 2015, JPHD filed a reply to the ED's and OPIC's responses. On June 23, 2015, Hamilton Pool Road Matters ("HPRM") filed a motion to strike JPHD's June 22, 2015 reply brief.

Briefings on hearing requests in this type of matter are governed by 30 Tex. Admin. Code § 55.209. Subsection (d) allows the ED, OPIC, and the applicant to file a response no later than 23 days before the Commission meeting at which the hearing request(s) will be considered. Subsection (g) allows requestors to submit written replies no later than nine days before the Commission meeting at which the hearing request(s) will be considered.

Since 30 Tex. Admin. Code § 55.209 only contemplates the submittal of reply briefs from the requestors, I agree that JPHD's filing of a reply brief was improper under the Commission's rules. As such, I am granting HPRM's motion to strike JPHD's reply brief of June 22, 2015. JPHD's reply brief will not be distributed to the Commissioners and will not be considered by the Commissioners in their deliberations over the pending hearing requests.

If you have any questions about this matter, please contact Barham A. Richard, Assistant General Counsel, at (512) 239-0107.

Respectfully,

A handwritten signature in black ink, appearing to read "Tucker Royall".

Tucker Royall
General Counsel

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JPHD, Inc.
TCEQ Docket No. 2015-0664-MWD

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