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August 16, 2010

Facsimile and Certified Mail

Mr. Les Trobman  
General Counsel  
Office of the General Counsel  
MC 101  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711

Re: Appeal of Executive Director's Negative Use Determination Regarding  
Mizuho Corporate Bank MHCBS (USA)'s Application No. 8262  
TCEQ Docket No. 2010-0252-MIS-U

Dear Mr. Trobman:

On August 10, 2010, your office notified me that the Texas Commission on Environmental Quality (the "Commission") will consider the appeal of Mizuho Corporate Bank MHCBS (USA) ("MHCBS") in the above-referenced matter during the Commission's public meeting on Wednesday, August 25, 2010.

I have personally represented MHCBS throughout the course of this matter, including prior public meetings, and MHCBS would like for me to represent it during the public meeting scheduled for August 25, 2010. Unfortunately, I will be out of the state on that date and will not be able to attend the Commission's public meeting.

MHCBS has conferred with Michael Gary, counsel for the Harris County Appraisal District; Tim Reidy, counsel for the Texas Commission on Environmental Quality; and Amy Swanholm, counsel for the Office of Public Interest Counsel and none of parties are opposed to moving the consideration of the appeal to another public meeting. Accordingly, MHCBS requests that the Commission move the consideration of this matter to one of the following dates when all counsel of record are available:

- October 15 or 27;

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- November 10; or
- December 1 or 14.

If you have any questions, please contact me.

Very truly yours,



Mark L. Farley

cc. Michael Gary, Harris County Appraisal District  
Tim Reidy, Texas Commission on Environmental Quality  
Amy Swanholm, Office of Public Interest Counsel