

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 13, 2010

To: Persons on the Attached Mailing List (by mail and facsimile as indicated)

Re: Appeal Regarding Use Determination Application No. 8262, Mizuho Corporate Bank MHCBS (USA); TCEQ Docket No. 2010-0252-MIS-U.

This letter is to notify you that the Texas Commission on Environmental Quality (Commission) will consider the Harris County Appraisal District's ("HCAD's") letter dated February 15, 2010 appealing the Executive Director's modification to its Use Determination for Application No. 8262 and all related filings during the Commission's public meeting scheduled to begin at **9:30 A.M. on Wednesday, April 28, 2010.**

During the public meeting, HCAD, or its representative may speak first and save part of its time for rebuttal since HCAD has filed the appeal at issue here. HCAD has five minutes for its oral presentation, including the time for rebuttal argument. Mizuho Corporate Bank MHCBS (USA) ("MHCBS"), or its representative, may speak next and has five minutes for its oral presentation. The Executive Director (or his representative) will speak next followed by the Office of Public Interest Counsel. The Executive Director, and the Office of Public Interest Counsel, each have a total time of five minutes for their oral presentations.

If you have any questions about the public meeting or related matters, please contact Jim Rizk at (512) 239-5530.

Very truly yours,

A handwritten signature in black ink, appearing to read "Les Trobman".

Les Trobman  
General Counsel

Mailing List

Mailing List  
Mizuho Corporate Bank MHCBC (USA)  
Use Determination No. 8262, TCEQ Docket No. 2010-0252-MIS-U

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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 11, 2010

To: Persons on the Attached Mailing List (by mail and facsimile as indicated)

Re: Use Determination Application No. 8262, Mizuho Corporate Bank MHCB (USA); TCEQ Docket No. 2010-0252-MIS-U

Harris County Appraisal District (HCAD) filed correspondence concerning the above-referenced Use Determination. HCAD requests that the Commission reopen or reconsider the positive use determination for various facilities at the Sunrise Chemical Bayport Facility under Application No. 8262. The correspondence indicates that the Executive Director's (ED) positive use determination for Application No. 8262 was originally issued in 2005 to Sunrise Chemical Bayport Facility, but the ED issued a modification to the determination in 2009 to reflect that the owner of the property is Mizuho Corporate Bank MHCB (USA) (Applicant). HCAD asserts that it did not receive notice of the application or issuance of the revised use determination from the Executive Director of the Texas Commission on Environmental Quality.

The Office of the General Counsel requests the filing of legal briefs or responses to the correspondence by the Executive Director, the Office of Public Interest Counsel, and the Applicant; and the subsequent filing of a legal reply to the responses by the Chief Appraiser for the Harris County Appraisal District. The briefs should contain a full discussion of the procedural posture of this matter, and the parties' legal and factual reasons for their positions on the merits regarding the ED's action. It is anticipated that the Commission will consider this matter and all timely filings at an upcoming Commission meeting (Agenda). The Office of General Counsel will send out a formal agenda-set letter, including instructions for oral briefing, at a later date.

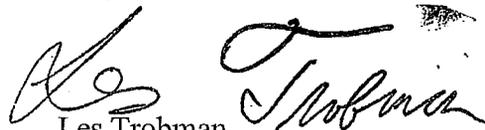
This letter is to notify the Applicant, the Executive Director, and the Office of Public Interest Counsel that they may file a response brief in the Commission's Office of Chief Clerk (OCC) on or before **5:00 P.M. on Tuesday, April 6, 2010**. HCAD may file a reply brief to the response briefs on or before **5:00 P.M. on Friday, April 16, 2010**. To be considered timely, an original and seven copies of any response or reply brief must be received by the OCC on or before the applicable 5:00 P.M. deadline. All briefs filed with the OCC should also be addressed to the attention of the Agenda Docket Clerk and be marked with the TCEQ Docket number provided above. All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at <http://www10.tceq.state.tx.us/epic/efilings/> or by filing an original and 7 copies with the Chief Clerk of the TCEQ. All response and reply briefs should also be mailed to all other persons on the attached mailing list on the same day mailed or filed in the Office of Chief Clerk. You will

be notified by subsequent letter of the Commission meeting during which the Commissioners will consider this matter.

Chapter 17 of the Commission's rules (30 Texas Administrative Code Chapter 17) contains the requirements applicable to Use Determinations, including the rules that address the review standards and appeal process. The website of the Texas Secretary of State (<http://www.sos.state.tx.us/tac/index.shtml>) contains a complete copy of the Texas Administrative Code, including Chapter 17 of Title 30.

If you have any questions about the briefing schedule or related matters, please contact Jim Rizk, Assistant General Counsel, at 512-239-5530.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Les Trobman". The signature is written in a cursive style with a large initial "L" and a long, sweeping underline.

Les Trobman  
General Counsel

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