

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 9, 2010

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

Re: Motion to Overturn (titled Motion for Reconsideration) concerning the Executive Director's approval of a WPAP concerning H.L. Zumwalt Construction, Inc.; TCEQ Docket No. 2010-0317-EAQ.

This letter is in response to a Motion to Overturn (Motion) concerning the above-referenced matter filed by David Frederick on behalf of Ranchland Oaks Homeowners' Association (Movant). Complete copies of the Motion and WPAP may be obtained from the Office of Chief Clerk, TCEQ, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087. By previous letter dated March 11, 2010, the Office of General Counsel extended the time to act on the Motion until Wednesday, May 5, 2010 and solicited initial briefs by the parties.

The Office of General Counsel, having reviewed the Motion and related filings, has decided to set this matter for the Texas Commission on Environmental Quality's public meeting of **Wednesday, April 28, 2010**, beginning at **9:30 A.M.**, pursuant to the Commission's Resolution issued on February 2, 2009 in Docket No. 2009-0059-RES. The meeting will take place in Room 201S of Building E, 12118 N. Interstate 35, Austin, Texas.

The Commission will take oral argument on this matter. The Movant should be prepared to present the item to the Commission and will have five minutes of oral argument time. H.L. Zumwalt Construction, Inc., the Executive Director, and the Office of Public Interest Council will each have five minutes of oral argument time.

In addition, due to the procedural issue raised in the Executive Director's response to the Motion, OGC has determined to allow H.L. Zumwalt Construction, Inc., OPIC, and the Movant the opportunity to respond to the new issue. Briefs on the procedural issue must be filed with the Chief Clerk's Office no later than **5:00 p.m. on Friday, April 16, 2010**. Any response to those briefs may be made orally during the Commission's Agenda.

If you have any questions about this matter, please contact Tracy Gross, Assistant General Counsel, at (512) 239-1736.

Very truly yours,

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

Les Trobman
General Counsel

Mailing List

Mailing List
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TCEQ Docket No. 2010-0317-EAQ

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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March 11, 2010

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

Re: Motion to Overturn (titled Motion for Reconsideration) concerning the Executive Director's approval of a WPAP concerning H.L. Zumwalt Construction, Inc.; TCEQ Docket No. 2010-0317-EAQ.

This letter is in response to a Motion to Overturn (Motion) concerning the above-referenced matter. Ranchland Oaks Home Owners' Association (Movant) requests that the Commission overturn the Executive Director's approval of a Water Pollution Abatement Plan (WPAP) concerning H.L. Zumwalt Construction, Inc. involving a proposed limestone quarry located on the north side of FM 1283 approximately 5 miles west of the intersection of FM 471 and SH 211 in Medina County, Texas. Complete copies of the Motion and WPAP approval letter may be obtained from the Office of Chief Clerk, TCEQ, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087.

Title 30 of the Texas Administrative Code (TAC) Chapter 50 authorizes an extension of time for taking action on the Motion up to 90 days after the date written notice of the Executive Director's action is mailed to an applicant. In this case, notice of the approval of the WPAP was mailed on February 4, 2010. Accordingly, this letter shall serve as the order extending the time for the Commission to act on the Motion until **Wednesday, May 5, 2010**.

The Executive Director, the Applicant, and the Office of Public Interest Counsel are hereby notified that they are encouraged to file briefs with regard to the issues raised in the Motion. The briefs must be filed with the Chief Clerk's Office no later than **5:00 p.m. on Thursday, March 25, 2010**. Any reply to the briefs by the Movant shall be due no later than **5:00 p.m. on Thursday, April 8, 2010**. All written filings on this matter will be considered and I will inform the parties by letter if the Motion will be set on a Commission public meeting.

If you have any questions about this matter, please contact Tracy Gross, Assistant General Counsel, at (512) 239-1736.

Very truly yours,

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

Les Trobman
General Counsel

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