

Bryan W. Shaw, Ph.D., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 10, 2013

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

Re: Motion to Overturn filed by James, Amy, Jim & Joanne Story; Los Sendaros Ranch LTD; Eddie Moore; Cal Taylor; Evergreen UWCD; City of Nixon; and George & Maria Blanch concerning the Executive Director's approval of the application by Gordon Clifford Swenson for Registration No. 710926: TCEQ Docket No. 2013-1488-SLG

This letter is in regard to the Motion to Overturn ("Motion") filed on August 16, 2013, by James, Amy, Jim & Joanne Story; Los Sendaros Ranch LTD; Eddie Moore; Cal Taylor; Evergreen UWCD; City of Nixon; and George & Maria Blanch ("Movants"), which requests that the Commission overturn the Executive Director's approval of the application by Gordon Clifford Swenson ("Applicant") for Registration No. 710926. A complete copy of the Motion may be obtained from the Office of Chief Clerk, TCEQ, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087.

By letter dated September 4, 2013, the Office of General Counsel extended the time for the Commission to act on this Motion until Thursday, October 24, 2013. The letter also established deadlines for the Executive Director, the Office of Public Interest Counsel, and the Applicant to file response briefs no later than 5:00 p.m. on Monday, September 16, 2013, and the Movant to file a reply brief no later than 5:00 p.m. on Monday, September 23, 2013.

The Commission's Office of General Counsel is hereby setting the Motion for consideration by the Commission at a public meeting to be held on **Wednesday, October 23, 2013 at 9:30 a.m.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas 78753. The parties should be available to respond to questions from the Commission at the public meeting. The Movants, the Applicant, the Executive Director and the Office of Public Interest Counsel will each have five minutes of oral argument time.

If you have any questions about this matter, please contact Todd Burkey, Assistant General Counsel, at (512) 239-2941.

Respectfully,

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

Les Trobman
General Counsel

Mailing List

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 4, 2013

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

Re: Motion to Overturn filed by James, Amy, Jim & Joanne Story; Los Sendaros Ranch LTD; Eddie Moore; Cal Taylor; Evergreen UWCD; City of Nixon; and George & Maria Blanch concerning the Executive Director's approval of the application by Gordon Clifford Swenson for Registration No. 710926: TCEQ Docket No. 2013-1488-SLG

This letter is in response to the Motion to Overturn ("Motion") filed on July 2, 2009, by James, Amy, Jim & Joanne Story; Los Sendaros Ranch LTD; Eddie Moore; Cal Taylor; Evergreen UWCD; City of Nixon; and George & Maria Blanch ("Movants"), which requests that the Commission overturn the Executive Director's approval of the application by Gordon Clifford Swenson for Registration No. 710926. A complete copy of the Motion may be obtained from the Office of Chief Clerk, TCEQ, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087.

Title 30, Sections 50.139 of the Texas Administrative Code authorizes the General Counsel to extend the time for the Commission to act on a motion to overturn up to 90 days after the date written notice of the Executive Director's action is mailed to the Applicant. Accordingly, this letter shall serve as the order extending the time for the Commission to act on the Motion until **Thursday, October 24, 2013**.

The Executive Director, the Office of Public Interest Counsel and Gordon Clifford Swenson are hereby notified that they are encouraged to file response briefs with regard to the issues raised in the Motion. These briefs must be filed with the Chief Clerk's Office no later than **5:00 p.m. on Monday, September 16, 2013**. The Movants may file a reply brief with the Chief Clerk's Office no later than **5:00 p.m. on Monday, September 23, 2013**. The General Counsel will consider all written filings on this matter and will inform the parties by separate letter if the Motion will be set on a Commission public meeting.

If you have any questions about this matter, please contact Todd Burkey, Assistant General Counsel, at (512) 239-2941.

Respectfully,

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

Les Trobman
General Counsel

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