

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 23, 2015

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

Re: Appeal of Use Determination Application No. 18145, Derichebourg Recycling USA, Inc.; TCEQ Docket No. 2015-0368-MIS-U.

The above-referenced appeal (Appeal) was filed by Derichebourg Recycling USA, Inc. (Appellant). The Appellant requests Commission consideration of the Executive Director's negative use determination relating to Pollution Control Property Application No. 18145. As is our general practice with regard to Use Determination appeals, this office is requesting the filing of legal briefs or responses to the Appeal by the Executive Director, the Office of Public Interest Counsel, and the Chief Appraiser for the Appraisal District for the county where the subject property is located; and the subsequent filing of a legal reply to the responses by the Appellant. The briefs should contain a full discussion of the parties' legal and factual reasons for their positions.

The Executive Director's negative use determination for Application No. 18145 was issued on February 13, 2015. Our records indicate that the Appeal was filed with the Commission's Office of the Chief Clerk (OCC) on March 6, 2015.

This letter is to notify the Chief Appraiser for the Harris County Appraisal District, the Executive Director, and the Office of Public Interest Counsel that they may file a response brief in the OCC on or before **5:00 P.M. on April 8, 2015**. The Appellant may file a reply brief to the response briefs on or before **5:00 P.M. on April 16, 2015**. To be considered timely, an original and seven copies of any response or reply brief must be received in 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://www14.tceq.texas.gov/epic/eFiling/> *or* by filing an original and seven 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 OCC. 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 Tim Reidy, Assistant General Counsel, at 512-239-0969.

Respectfully,

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

Tucker Royall  
General Counsel

Mailing List

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • [tceq.texas.gov](http://tceq.texas.gov)

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Mailing List  
Derichebourg Recycling USA, Inc.  
TCEQ Docket No. 2015-0368-MIS-U

Derichebourg Recycling USA, Inc.  
7501 Wallisville Rd.  
Houston, Texas 77020-3543  
713/675-2281 FAX 713/675-2285

Ronald P. Little  
Associated Tax Appraisers  
4543 Post Oak Place, #232  
Houston, Texas 77027  
281/497-2200 FAX 713/627-8454  
[rlittle@nationalrealty.com](mailto:rlittle@nationalrealty.com)

Andrej Fedor  
Associated Tax Appraisers  
P.O. Box 91119  
Austin, Texas 78709  
512/894-2095 FAX 512/894-2076  
[ata@atatax.net](mailto:ata@atatax.net)

Sands Stiefer  
Chief Appraiser  
Harris County Appraisal District  
P.O. Box 920975  
Houston, Texas 77292-0975  
713/812-5800 FAX 713/957-5210

Shelley Naik  
TCEQ Air Quality Division MC 206  
PO Box 13087  
Austin, Texas 78711-3087  
512/239-4900 FAX 512/239-6188  
[shelley.naik@tceq.texas.gov](mailto:shelley.naik@tceq.texas.gov)

Ron Hatlett  
TCEQ Office of Air MC 110  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-6348 FAX 512/239-6188  
[ronald.hatlett@tceq.texas.gov](mailto:ronald.hatlett@tceq.texas.gov)

David Brymer  
TCEQ Office of Air MC 206  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-4900 FAX 512/239-6188  
[david.brymer@tceq.texas.gov](mailto:david.brymer@tceq.texas.gov)

Don Redmond  
Robert Martinez  
TCEQ Environmental Law Division MC 173  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-0600 FAX 512/239-0606  
[don.redmond@tceq.texas.gov](mailto:don.redmond@tceq.texas.gov)

Vic McWherter  
TCEQ Office of Public Interest Counsel MC 103  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-6363 FAX 512/239-6377  
[vic.mcwherter@tceq.texas.gov](mailto:vic.mcwherter@tceq.texas.gov)

Docket Clerk  
TCEQ Office of Chief Clerk MC 105  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-3300 FAX 512/239-3311