

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 9, 2016

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

Re: Appeal of the Executive Director's Partial Negative Use Determinations regarding ELG Metals Inc., Use Determination Application No. 19451, TCEQ Docket No. 2016-0613-MIS-U.

The above-referenced appeal ("Appeal") was filed by ELG Metals Inc. ("Applicant/Appellant"), which requests Commission consideration of the negative use determination for the qualifying land and the roofs, walls, foundations and floors of the Turning Facility issued on March 30, 2016, by the Executive Director to Applicant/Appellant for Application No. 19451. 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 Harris County Appraisal District; and the subsequent filing of a legal reply to the responses by the Applicant/Appellant. The briefs should contain a full discussion of the parties' legal and factual reasons for their positions.

This letter is to notify the Executive Director, the Office of Public Interest Counsel, and the Harris County Appraisal District that they may file a response brief in the Commission's Office of Chief Clerk (OCC) on or before **5:00 P.M. on Wednesday, May 18, 2016**. The Applicant/Appellant may file a reply brief to the response briefs on or before **5:00 P.M. on Thursday, May 26, 2016**. 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. 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 Todd Burkey, Assistant General Counsel, at 512-239-2941.

Respectfully,

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

Tucker Royall
General Counsel

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