

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

December 18, 2009

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

Re: Appeals of the Executive Director's Negative Use Determinations regarding various Valero refinery property, TCEQ Use Determination Nos. 06-10268, 06-10270 and 06-10271, and 10279 through 06-10285; TCEQ Docket Nos. 2007-0724-MIS-U and 2007-0732-MIS-U through 2007-0740-MIS-U.

This letter is to notify you that the Texas Commission on Environmental Quality (TCEQ or Commission) will consider the above-described 10 appeals and all related filings during the Commission's public meeting scheduled to begin at **9:30 A.M. on Wednesday, January 13, 2010.**

During the public meeting, Valero Energy Corporation and/or related entities (Valero), or their representative(s), may speak first and save part of their time for rebuttal since Valero has filed the appeals at issue here. Valero has 10 minutes for its oral presentation, including the time for rebuttal argument. The Chief Appraisers for Galveston County, Harris County, Jefferson County, Moore County, and Nueces County (or their representative(s)) may speak next and have 10 minutes collectively for their oral presentations. The Chief Appraisers for the five counties (or their representative(s)) listed above should apportion their 10 minutes among themselves prior to the public meeting and call Cheli Castro, Agenda Coordinator, Office of the Chief Clerk at 512-239-0534 no later than 5:00 p.m., Monday, January 11, 2010, to let her know how the time will be apportioned. The Chief Appraisers will be followed by the Executive Director (or his representative), and thereafter, the Office of Public Interest Counsel. The Executive Director and the Office of Public Interest Counsel, each have a total time of 5 minutes for their oral presentations.

If you have any questions about the public meeting or related matters, please contact John Sedberry at (512) 239-6575.

Very truly yours,

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

Les Trobman
General Counsel

Mailing List

Mailing List

Valero Refining - Texas, L.P., Diamond Shamrock Refining Company, L.P., and
The Premcor Refining Group, Inc.
TCEQ Docket Nos. 2007-0724-MIS-E and
2007-0732-MIS-U through 2007-0740-MIS-U

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 22, 2009

To: Persons on the attached Mailing List (By mail, and facsimile as indicated)

Re: Appeals of the Executive Director's Negative Use Determinations regarding various Valero refinery property, TCEQ Use Determination Nos. 06-10268, 06-10270 and 06-10271, and 06-10279 through 06-10285; TCEQ Docket Nos. 2007-0724-MIS-U and 2007-0732-MIS-U through 2007-0740-MIS-U.

The above-named matters are currently scheduled to be considered by the Texas Commission on Environmental Quality ("TCEQ") at its January 28, 2009, public meeting. On January 16, 2009, Valero Refining – Texas, L.P., Diamond Shamrock Refining Company, L.P., and The Premcor Refining Group, Inc. (Valero) filed its *Supplemental Response in Reply to the Executive Director, Public Interest Counsel, Galveston Central Appraisal District, and Harris County Appraisal District's Response Briefs to the Appeal of the Executive Director's Negative Use Determinations* (Valero's Supplemental Response). The Executive Director then filed the *Executive Director's Reply to Valero's Supplemental Response and Motion for Continuance* (ED's Motion) on January 21, 2009. The ED's Motion asks that the Commission either refrain from considering Valero's Supplemental Response, or continue the matter to a future agenda to allow time to prepare a reply brief.

Pursuant to the ED's Motion, the Office of General Counsel has determined to continue the matter from this meeting. Accordingly, this matter is continued indefinitely pursuant to 30 TAC § 10.4. The Office of General Counsel will notify the parties by subsequent letter of the future agenda setting and the associated filing deadlines.

If you have any questions regarding this matter, please contact John Sedberry, Assistant General Counsel, at 512-239-6575.

Respectfully,

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

Les Trobman
General Counsel

Mailing List

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Valero
TCEQ Docket Nos. 2007-0724-MIS-E
and 2007-0732-MIS-U through 2007-0740-MIS-U

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 21, 2009

LaDonna Castañuela, Chief Clerk
TCEQ Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087

CHIEF CLERKS OFFICE

2009 JAN 21 AM 9:01

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: Valero Refining – Texas L.P.
Diamond Shamrock Refining Company, L.P.
The Premcor Refining Group, Inc.
TCEQ Docket Nos. 2007-0732-MIS-U (UD 06-10270/Valero Corpus Christi Refinery – Nueces County); 2007-0733-MIS-U (UD 06-10271/Valero Corpus Christi Refinery – Nueces County); 2007-0734-MIS-U (UD 06-10281/Valero Houston Refinery – Harris County); 2007-0735-MIS-U (UD 06-10268/Valero Houston Refinery – Harris County); 2007-0736-MIS-U (UD 06-10283/Diamond Shamrock McKee Refinery – Moore County); 2007-0737-MIS-U (UD 06-10282/Diamond Shamrock McKee Refinery – Moore County); 2007-0738-MIS-U (UD 06-10280/Valero Port Arthur Refinery – Jefferson County); 2007-0739-MIS-U (UD 06-10279/Valero Port Arthur Refinery – Jefferson County); 2007-0724-MIS-U (UD 06-10285/Valero Texas City Refinery – Galveston County); 2007-0740-MIS-U (UD 06-10284/Valero Texas City Refinery – Galveston County)
Executive Director's Reply to Valero's Supplemental Response and Motion for Continuance

Dear Ms. Castañuela:

Enclosed for filing, please find a copy of the "*Executive Director's Reply to Valero's Supplemental Response and Motion for Continuance*" regarding the above referenced use determination appeals. If you have any questions, please do not hesitate to contact me at (512) 239-0969.

Sincerely,

A handwritten signature in black ink that reads "Tim Reidy".

Timothy J. Reidy
Staff Attorney
Environmental Law Division

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 21, 2009

Les Trobman, General Counsel
Texas Commission on Environmental Quality
Office of General Counsel
P.O. Box 13087, MC-101
Austin, Texas 78711-3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 JAN 21 AM 9:00
CHIEF CLERKS OFFICE

Re: Valero Refining – Texas L.P.
Diamond Shamrock Refining Company, L.P.
The Premcor Refining Group, Inc.
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Executive Director's Reply to Valero's Supplemental Response and Motion for Continuance

Mr. Trobman:

Attached for your consideration is the "*Executive Director's Reply to Valero's Supplemental Response and Motion for Continuance*" regarding the above referenced use determination appeals. If you have any questions, please do not hesitate to contact me at (512) 239-0969.

Sincerely,

A handwritten signature in black ink that reads "Tim Reidy".

Timothy J. Reidy, Staff Attorney
Environmental Law Division

TCEQ Docket Numbers

2009 JAN 21 AM 9:20
CHIEF CLERKS OFFICE
2007-0732-MIS-U (UD 06-10270/Valero Corpus Christi Refinery – Nueces County)
2007-0733-MIS-U (UD 06-10271/Valero Corpus Christi Refinery – Nueces County)
2007-0734-MIS-U (UD 06-10281/Valero Houston Refinery – Harris County)
2007-0735-MIS-U (UD 06-10268/Valero Houston Refinery – Harris County)
2007-0736-MIS-U (UD 06-10283/Diamond Shamrock McKee Refinery – Moore County)
2007-0737-MIS-U (UD 06-10282/Diamond Shamrock McKee Refinery – Moore County)
2007-0738-MIS-U (UD 06-10280/Valero Port Arthur Refinery – Jefferson County)
2007-0739-MIS-U (UD 06-10279/Valero Port Arthur Refinery – Jefferson County)
2007-0724-MIS-U (UD 06-10285/Valero Texas City Refinery – Galveston County)
2007-0740-MIS-U (UD 06-10284/Valero Texas City Refinery – Galveston County)

APPEAL OF THE EXECUTIVE	§	BEFORE THE
DIRECTOR'S USE DETERMINATIONS	§	
ISSUED TO VALERO REFINING -	§	
TEXAS, L.P.; DIAMOND SHAMROCK	§	
REFINING COMPANY, L.P.; AND THE	§	TEXAS COMMISSION ON
PREMCOR REFINING GROUP, INC.	§	
APPLICATION NUMBERS: 06-10268,	§	
06-10270, 06-10271, 06-10279, 06-10280,	§	
06-10281, 06-10282, 06-10283, 06-10284, and	§	
06-10285	§	ENVIRONMENTAL QUALITY

**EXECUTIVE DIRECTOR'S REPLY TO VALERO'S SUPPLEMENTAL RESPONSE
AND MOTION FOR CONTINUANCE**

TO THE GENERAL COUNSEL OF THE TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY:

The Executive Director respectfully requests that the Commission, in its consideration of the above referenced use determination appeals, not consider *Valero Refining – Texas, L.P.*, *Diamond Shamrock Refining Company, L.P.*, and the *Premcor Refining Group, Inc.*'s *Supplemental Response in Reply to the Executive Director, Public Interest Counsel, Galveston Central Appraisal District, and the Harris County Appraisal District's Response Briefs to the Appeal of the Executive Director's Negative Use Determinations* (hereinafter referred to a "Valero's Supplemental Response") as it is untimely filed. On February 11, 2008, the General Counsel mailed the parties a briefing schedule regarding the appeals, which required the Executive Director, the Office of Public Interest Counsel, and the affected appraisal districts to file a response brief with the Texas Commission on Environmental Quality's (TCEQ) Office of the Chief Clerk on or before 5:00 p.m. on Monday, April 7, 2008. The briefing schedule also required the Appellant to file its reply brief with the TCEQ's Office of the Chief Clerk on or before 5:00 p.m. on Monday, May 19, 2008. The Executive Director, the Office of Public Interest Counsel, the Harris County Appraisal District, the Galveston Central Appraisal District,

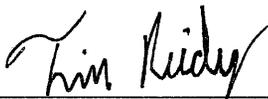
and the Appellant filed timely briefs. However, Valero's Supplemental Response was filed with the TCEQ's Office of the Chief Clerk on January 16, 2009. Valero's Supplemental Response was filed outside of the deadlines established by the briefing schedule, and should not be made a part of the record. The Executive Director respectfully requests that, pursuant to its authority in Section 1.10(g) of Title 30 of the Texas Administrative Code (30 TAC), the Commission refuse to consider Valero's Supplemental Response.

However, should the Commission or General Counsel waive the filing requirements established by the briefing schedule and consider Valero's Supplemental Response, the Executive Director respectfully requests that the Commission continue its consideration of these matters until its March 11, 2009 public meeting to allow the Executive Director adequate time to prepare a written reply. An initial review of Valero's Supplemental Response does not appear to alter the recommendations made by the Executive Director in his response brief. However, should Valero's Supplemental Response become a part of the record, the Executive Director respectfully requests additional time to prepare a detailed written reply.

Respectfully submitted,
Texas Commission on Environmental Quality

Mark R. Vickery, P.G.
Executive Director

Robert Martinez, Director
Environmental Law Division

By 

Timothy J. Reidy, Staff Attorney
Environmental Law Division
State Bar No. 24058069
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
(512) 239-0969

REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS
COMMISSION ON ENVIRONMENTAL
QUALITY

CERTIFICATE OF SERVICE

I certify that on January 21, 2009, the "Executive Director's Reply to Valero's Supplemental Response and Motion for Continuance" was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk, and copy of which was sent by hand delivery, first-class mail, or facsimile to all persons on the attached mailing list.



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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December 19, 2008

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The above-named matter is currently scheduled to be considered by the Texas Commission on Environmental Quality ("TCEQ") at its January 14, 2009, public meeting. However, due to Commission scheduling constraints, the TCEQ's Office of General Counsel, pursuant to 30 Texas Administrative Code §10.4, is continuing the above-named matter to the TCEQ's public meeting of **Wednesday, January 28, 2009**, beginning at **9:30 A.M.** The meeting will take place in Room 201S of Building E, 12100 Park 35 Circle, Austin, Texas.

If you have any questions regarding this matter, please contact John Sedberry, Assistant General Counsel, at 512-239-6575.

Respectfully,

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

Les Trobman
General Counsel

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 30, 2008

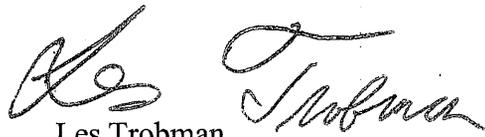
To: Persons on the attached Mailing List (By mail, and facsimile as indicated)

Re: Appeal of the Executive Director's Negative Use Determinations regarding various Valero refinery property, TCEQ Use Determination Nos. 06-10268, 06-10270 and 06-10271, and 10279 through 06-10285; TCEQ Docket Nos. 2007-0724-MIS-U and 2007-0732-MIS-U through 2007-0740-MIS-U.

The above-named matter is currently scheduled to be considered by the Texas Commission on Environmental Quality ("TCEQ") at its November 5, 2008, public meeting. However, on October 29, 2008, Valero Refining – Texas, L.P., Diamond Shamrock Refining Company, L.P., and The Premcor Refining Group, Inc. (hereinafter collectively referred to as Valero) filed a request for continuance of this matter to allow for discussions that Valero believes may result in settlement or a narrowing of the issues. The TCEQ Executive Director ("ED"), the Office of Public Interest Counsel ("OPIC"), and the Chief Appraisers for Harris and Moore Counties have no objections to Valero's request. The Office of General Counsel (OGC) has left messages for the representatives of Galveston, Nueces, and Jefferson Counties, but has otherwise been unable reach them to determine if they have any objections to Valero's request. Accordingly, and in light of timing constraints, the TCEQ's Office of General Counsel, pursuant to 30 Texas Administrative Code §10.4, is continuing the above-named matter to the TCEQ's public meeting of **Wednesday, January 14, 2009**, beginning at **1:00 P.M.** The meeting will take place in Room 201S of Building E, 12100 Park 35 Circle, Austin, Texas.

If you have any questions regarding this matter, please contact John Sedberry, Assistant General Counsel, at 512-239-6575.

Respectfully,



Les Trobman
General Counsel

Mailing List

Mailing List
Valero
TCEQ Docket Nos. 2007-0724-MIS-E
and 2007-0732-MIS-U through 2007-0740-MIS-U

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TCEQ Docket Numbers

- 2007-0732-MIS-U (UD 06-10270/Valero Corpus Christi Refinery - Nueces County)
- 2007-0733-MIS-U (UD 06-10271/Valero Corpus Christi Refinery - Nueces County)
- 2007-0734-MIS-U (UD 06-10281/Valero Houston Refinery - Harris County)
- 2007-0735-MIS-U (UD 06-10268/Valero Houston Refinery - Harris County)
- 2007-0736-MIS-U (UD 06-10283/Diamond Shamrock McKee Refinery - Moore County)
- 2007-0737-MIS-U (UD 06-10282/Diamond Shamrock McKee Refinery - Moore County)
- 2007-0738-MIS-U (UD 06-10280/Valero Port Arthur Refinery - Jefferson County)
- 2007-0739-MIS-U (UD 06-10279/Valero Port Arthur Refinery - Jefferson County)
- 2007-0724-MIS-U (UD 06-10285/Valero Texas City Refinery - Galveston County)
- 2007-0740-MIS-U (UD 06-10284/Valero Texas City Refinery - Galveston County)

2008 OCT 29 PM 2:21
CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

APPEAL OF THE EXECUTIVE § BEFORE THE
DIRECTOR'S USE DETERMINATIONS §
ISSUED TO VALERO REFINING - §
TEXAS, L.P.; DIAMOND SHAMROCK §
REFINING COMPANY, L.P.; AND THE § TEXAS COMMISSION ON
PREMCO REFINING GROUP, INC. §
APPLICATION NUMBERS: 06-10268, §
06-10270, 06-10271, 06-10279, 06-10280, §
06-10281, 06-10282, 06-10283, 06-10284, and § ENVIRONMENTAL QUALITY
06-10285 §

VALERO REFINING - TEXAS, L.P., DIAMOND SHAMROCK REFINING COMPANY, L.P., AND THE PREMCO REFINING GROUP, INC.'S REQUEST FOR A CONTINUANCE

Valero Refining - Texas, L.P., Diamond Shamrock Refining Company, L.P., and the Premcor Refining Group, Inc. (hereinafter collectively referred to as Valero) files this Request for a Continuance of the docketed matters referenced above and currently scheduled for the November 5, 2008 Commissioners' Agenda.

Valero requests this continuance to allow for discussions it believes may result in a settlement of the matter or a narrowing of the issues.

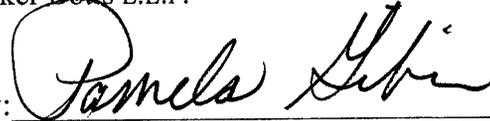
Valero has conferred with the Executive Director and Public Interest Counsel who have no objection to the requested continuance.

Valero respectfully requests that the Commission grant a continuance of the aforementioned matters.

Respectfully submitted,

Baker Botts L.L.P.

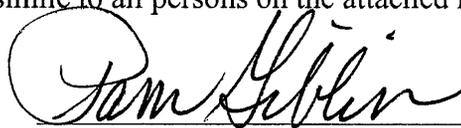
By:

A handwritten signature in cursive script, appearing to read "Pamela Giblin", written over a horizontal line.

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Amber Garrison
State Bar No. 24055531
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CERTIFICATE OF SERVICE

I certify that on October 28, 2008, copies of the "Valero Refining – Texas, L.P., Diamond Shamrock Refining Company, L.P., and the Premcor Refining Group, Inc.'s Request for a Continuance" was filed with the Office of the Chief Clerk, Texas Commission on Environmental Quality, and was served by first-class mail or facsimile to all persons on the attached mailing list.



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2008 OCT 29 PM 2: 21
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Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS
COMMISSION
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QUALITY

2008 OCT 15 PM 4:27

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHIEF CLERKS OFFICE

Protecting Texas by Reducing and Preventing Pollution

October 15, 2008

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

Re: Appeals of the Executive Director's Negative Use Determinations regarding various Valero refinery property, TCEQ Use Determination Nos. 06-10268, 06-10270 and 06-10271, and 10279 through 06-10285; TCEQ Docket Nos. 2007-0724-MIS-U and 2007-0732-MIS-U through 2007-0740-MIS-U.

This letter is to notify you that the Texas Commission on Environmental Quality (TCEQ or Commission) will consider the above-described 10 appeals and all related filings during the Commission's public meeting scheduled to begin at **9:30 A.M. on Wednesday, November 5, 2008.**

During the public meeting, Valero Energy Corporation and/or related entities (Valero), or their representative, may speak first and save part of their time for rebuttal since Valero has filed the appeals at issue here. Valero has 10 minutes for its oral presentation, including the time for rebuttal argument. The Chief Appraisers for Galveston County, Harris County, Jefferson County, Moore County, and Nueces County (or their representative(s)) may speak next and have 10 minutes for their oral presentations. If the Chief Appraisers as well as their representative(s) decide to address the Commission, the 10 minutes is to be divided among themselves as they choose. The Chief Appraisers will be followed by the Executive Director (or his representative), and thereafter, the Office of Public Interest Counsel. The Executive Director, and the Office of Public Interest Counsel each have a total time of 5 minutes for their oral presentations.

If you have any questions about the public meeting or related matters, please contact John Sedberry at (512) 239-6575.

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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and 2007-0732-MIS-U through 2007-0740-MIS-U

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 FEB 12 AM 11:44

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHIEF CLERKS OFFICE

Protecting Texas by Reducing and Preventing Pollution

February 11, 2008

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

Re: Appeal of the Executive Director's Negative Use Determination regarding Valero Refining – Texas, L.P., TCEQ Use Determination No. 06-10285; TCEQ Docket No. 2007-0724-MIS-U.; and TCEQ Use Determination No. 06-10284; TCEQ Docket No. 2007-0740-MIS-U.

The above-referenced appeals (Appeals) were filed by Valero Refining – Texas, L.P. (Appellant). Appellant requests Commission consideration of the negative use determinations for Use Determination Nos. 06-10285 and 06-10284. As is our general practice with regard to Use Determination appeals, this office is requesting the filing of legal briefs or responses to the Appeals by the Executive Director, the Office of Public Interest Counsel, and the **Chief Appraiser for the Galveston County Appraisal District** 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.

This letter is to notify the Chief Appraiser for the Galveston County Appraisal District, 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 Monday, April 7, 2008**. The Appellant may file a reply brief to the response briefs on or before **5:00 P.M. on Monday, May 19, 2008**. To be considered timely, an original and eleven 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 numbers provided above. 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. After receipt of all briefs, 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 appeals 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 John Sedberry, Assistant General Counsel, at 512-239-6575.

Respectfully,

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Les Trobman
General Counsel

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Mailing List
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TCEQ Docket Nos. 2007-0740-MIS-U
and 2007-0724-MIS-U

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TEXAS
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2008 FEB 12 AM 11:47

CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution
February 11, 2008

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

Re: Appeal of the Executive Director's Negative Use Determination regarding Valero Refining – Texas, L.P., TCEQ Use Determination No. 06-10268; TCEQ Docket No. 2007-0735-MIS-U.; and TCEQ Use Determination No. 06-10281; TCEQ Docket No. 2007-0734-MIS-U.

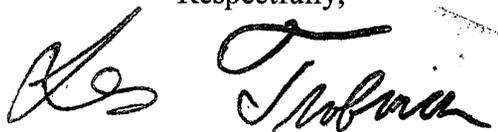
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This letter is to notify the Chief Appraiser for the Harris County Appraisal District, the Executive Director, and the Office of Public Interest Counsel that they may file a response brief in the Commission's Office of Chief Clerk (OCC) on or before **5:00 P.M. on Monday, April 7, 2008**. The Appellant may file a reply brief to the response briefs on or before **5:00 P.M. on Monday, May 19, 2008**. To be considered timely, an original and eleven 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 numbers provided above. 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. After receipt of all briefs, you will be notified by subsequent letter of the Commission meeting during which the Commissioners will consider this matter.

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Respectfully,

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Les Trobman
General Counsel

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TEXAS
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2008 FEB 12 AM 11:48

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHIEF CLERKS OFFICE

Protecting Texas by Reducing and Preventing Pollution

February 11, 2008

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

Re: Appeal of the Executive Director's Negative Use Determination regarding Valero Refining – Texas, L.P., TCEQ Use Determination No. 06-10280; TCEQ Docket No. 2007-0738-MIS-U.; and TCEQ Use Determination No. 06-10279; TCEQ Docket No. 2007-0739-MIS-U.

The above-referenced appeals (Appeals) were filed by Valero Refining – Texas, L.P. (Appellant). Appellant requests Commission consideration of the negative use determinations for Use Determination Nos. 06-10280 and 06-10279. As is our general practice with regard to Use Determination appeals, this office is requesting the filing of legal briefs or responses to the Appeals by the Executive Director, the Office of Public Interest Counsel, and the **Chief Appraiser for the Jefferson County Appraisal District** 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.

This letter is to notify the Chief Appraiser for the Jefferson County Appraisal District, 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 Monday, April 7, 2008**. The Appellant may file a reply brief to the response briefs on or before **5:00 P.M. on Monday, May 19, 2008**. To be considered timely, an original and eleven 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 numbers provided above. 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. After receipt of all briefs, 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 appeals 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 John Sedberry, Assistant General Counsel, at 512-239-6575.

Respectfully,

A handwritten signature in black ink, appearing to read "Les Trobman". The signature is fluid and cursive, with the first name "Les" written in a smaller, more compact style than the last name "Trobman".

Les Trobman
General Counsel

Mailing List

Mailing List
Valero / Jefferson County
TCEQ Docket Nos. 2007-0738-MIS-U and 2007-0739-MIS-U

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Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 FEB 12 AM 11: 48

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHIEF CLERKS OFFICE

Protecting Texas by Reducing and Preventing Pollution

February 11, 2008

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

Re: Appeal of the Executive Director's Negative Use Determination regarding Valero Refining – Texas, L.P., TCEQ Use Determination No. 06-10282; TCEQ Docket No. 2007-0737-MIS-U.; and TCEQ Use Determination No. 06-10283; TCEQ Docket No. 2007-0736-MIS-U.

The above-referenced appeals (Appeals) were filed by Valero Refining – Texas, L.P. (Appellant). Appellant requests Commission consideration of the negative use determinations for Use Determination Nos. 06-10282 and 06-10283. As is our general practice with regard to Use Determination appeals, this office is requesting the filing of legal briefs or responses to the Appeals by the Executive Director, the Office of Public Interest Counsel, and the **Chief Appraiser for the Moore County Appraisal District** 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.

This letter is to notify the Chief Appraiser for the Moore County Appraisal District, 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 Monday, April 7, 2008**. The Appellant may file a reply brief to the response briefs on or before **5:00 P.M. on Monday, May 19, 2008**. To be considered timely, an original and eleven 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 numbers provided above. 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. After receipt of all briefs, 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 appeals 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 John Sedberry, Assistant General Counsel, at 512-239-6575.

Respectfully,

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

Les Trobman
General Counsel

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TCEQ Docket Nos. 2007-0736-MIS-U and 2007-0737-MIS-U

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Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



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2008 FEB 12 AM 11:46

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

CHIEF CLERKS OFFICE

February 11, 2008

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

Re: Appeal of the Executive Director's Negative Use Determination regarding Valero Refining – Texas, L.P., TCEQ Use Determination No. 06-10270; TCEQ Docket No. 2007-0732-MIS-U.; and TCEQ Use Determination No. 06-10271; TCEQ Docket No. 2007-0733-MIS-U.

The above-referenced appeals (Appeals) were filed by Valero Refining – Texas, L.P. (Appellant). Appellant requests Commission consideration of the negative use determinations for Use Determination Nos. 06-10270 and 06-10271. As is our general practice with regard to Use Determination appeals, this office is requesting the filing of legal briefs or responses to the Appeals by the Executive Director, the Office of Public Interest Counsel, and the **Chief Appraiser for the Nueces County Appraisal District** 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.

This letter is to notify the Chief Appraiser for the Nueces County Appraisal District, 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 Monday, April 7, 2008**. The Appellant may file a reply brief to the response briefs on or before **5:00 P.M. on Monday, May 19, 2008**. To be considered timely, an original and eleven 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 numbers provided above. 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. After receipt of all briefs, 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 appeals 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 John Sedberry, Assistant General Counsel, at 512-239-6575.

Respectfully,

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

Les Trobman
General Counsel

Mailing List

Mailing List
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Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 20, 2007

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

Re: Appeals of the Executive Director's Negative Use Determinations regarding various Valero refinery property, TCEQ Use Determination Nos. 06-10268, 06-10270 and 06-10271, and 10279 through 06-10285; TCEQ Docket Nos. 2007-0724-MIS-U and 2007-0732-MIS-U through 2007-0740-MIS-U.

The above-referenced appeals (Appeals) filed by Valero Energy Corporation and/or related entities (Valero) were previously continued to allow Valero to further discuss its applications with the Executive Director's staff. On December 3, 2007, the Office of General Counsel (OGC) received a joint status report requesting an additional 60 day postponement to allow for further discussions. The purpose of this letter is to memorialize that no briefing is requested with regard to the Appeals, and formal consideration of the Appeals is postponed for an additional 60 days, starting December 14, 2007, and ending at 5 p.m. on February 11, 2008. At this time, OGC requests that Valero and the Executive Director's staff submit a joint status report on the Appeals on or before Thursday, January 31, 2008, unless Valero has earlier notified the agency that it wishes to proceed with briefing on and consideration of the Appeals.

Please call me at 512/239-6575, if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "John Sedberry".

70 John Sedberry
Assistant General Counsel

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 DEC 21 AM 9:33
CHIEF CLERKS OFFICE

Mailing List

Mailing List

Valero

TCEQ Docket Nos. 2006-0548-UIC, 2007-0724-MIS-E
and 2007-0732-MIS-U through 2007-0740-MIS-U

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Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 3, 2007

Celeste A. Baker, Acting General Counsel
Texas Commission on Environmental Quality
Office of the General Counsel
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 DEC -4 AM 10:07
CHIEF CLERKS OFFICE

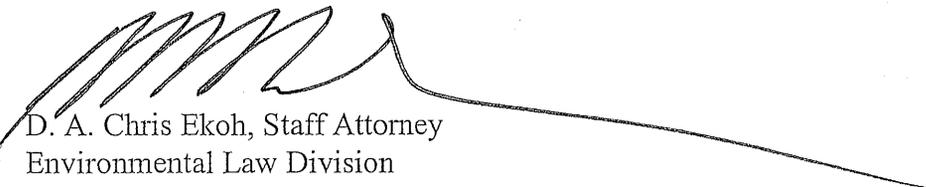
Re: Joint Status Report - Appeals of the Executive Director's Negative Use Determinations by:
Valero Refining – Texas, L.P. (Corpus Christi Refinery, TCEQ Use Determination/Docket Nos. 06-10270/2007-0732-MIS-U, 06-10271/2007-0733-MIS-U; Houston Refinery, 06-10281/2007-0734-MIS-U, 06-10268/2007-0735-MIS-U; Valero Texas City Refinery, 06-10284/2007-0740-MIS-U, 06-10285/2007-0724-MIS-U)
Diamond Shamrock Refining Company, L.P. (McKee Refinery, 06-10282/2007-0737-MIS-U, 06-10283/2007-0736-MIS-U)
The Premcor Refining Group, Inc. (Valero Port Arthur Refinery, 06-10280/2007-0738-MIS-U, 06-10279/2007-0739-MIS-U)

Dear Ms. Baker:

On September 14, 2007, the General Counsel postponed the referenced appeals to allow for further settlement discussions between the Executive Director and Valero. The Executive Director and Valero continue to have fruitful discussions about the appeals. By correspondence dated November 30, 2007, Valero has requested 60 days additional extension of time. (See attached correspondence). The Executive Director is not opposed to the request for an additional 60 days extension of time.

Thank you for your cooperation in this matter. If you have any questions, please do not hesitate to contact me at (512) 239-5487.

Sincerely,



D. A. Chris Ekoh, Staff Attorney
Environmental Law Division

Cc: Parker Wilson and mailing list



Parker Wilson
Managing Counsel
Environmental/Safety and
Regulatory Affairs Law

November 30, 2007

D.A. Chris Ekoh
Attorney, Environmental Law Division
Texas Commission on Environmental Quality
MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Re: Joint Status Report to the TCEQ General Counsel
Appeal of Use Determinations, Valero Companies

Dear Mr. Ekoh:

By copy of this letter Valero is requesting an additional extension of the tolling of the Prop 2 Use Determination appeal filed by Valero on May 8, 2007. Following the current extension, a joint status report from Valero and the Executive Director was requested by the TCEQ Office of General Counsel, no later than December 4, 2007. Valero is continuing to have fruitful discussions with the TCEQ regarding the negative use determinations issued on April 18, 2007, and it is our belief that additional time would be beneficial to the process, particularly in light of the ongoing Chapter 17 rulemaking.

We believe it would be productive to continue to toll the appeal for an additional 60 days, until February 2, 2008, to allow further discussions so that a mutually agreeable resolution can be arrived at by the parties.

If you have any questions, please don't hesitate to contact me at (210) 345-5894, or by e-mail at parker.wilson@valero.com. Thanks again for your help with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Parker Wilson", written over a horizontal line.

Parker Wilson

Mailing List

Valero

TCEQ Docket Nos. 2006-0548-UIC, 2007-0724-MIS-E
and 2007-0732-MIS-U through 2007-0740-MIS-U

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Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 14, 2007

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

Re: Appeals of the Executive Director's Negative Use Determinations regarding various Valero refinery property, TCEQ Use Determination Nos. 06-10268, 06-10270 and 06-10271, and 10279 through 06-10285; TCEQ Docket Nos. 2007-0724-MIS-U and 2007-0732-MIS-U through 2007-0740-MIS-U.

The above-referenced appeals (Appeals) were filed by Valero Energy Corporation and/or related entities (Appellants or Valero). By letter dated May 18, 2007, Valero's representative, Mr. Parker Wilson, requested that the scheduling of the appeals for Commission consideration be postponed indefinitely. The letter indicated that Valero was continuing to discuss its applications with the Executive Director's staff. Accordingly, no briefing was requested for the Appeals, and formal consideration of the Appeals was postponed at that time unless Valero notified the Commission's Chief Clerk and all persons on the attached mailing list that it wished to proceed with its Appeals. The TCEQ Office of General Counsel (OGC) requested that Valero and the Executive Director's staff submit a joint status report on the Appeals on or before September 14, 2007, unless Valero has earlier notified the agency that it wished to proceed with briefing on and consideration of the Appeals. On September 12, 2007, OGC received a joint status report (joint report). A copy of the joint report is attached.

The joint report requested an additional 90 day postponement to allow for further discussions. Accordingly, no briefing is requested at this time with regard to the Appeals, and formal consideration of the Appeals is postponed at this time unless Valero notifies the Commission's Chief Clerk and all persons on the attached mailing list that it wishes to proceed with its Appeals. In light of this 90 day postponement which ends at 5 p.m. on December 13, 2007, I request that Valero and the Executive Director's staff submit a joint status report on the Appeals on or before Tuesday, December 4, 2007, unless Valero has earlier notified the agency that it wishes to proceed with briefing on and consideration of the Appeals.

Copies of the ten Appeals, if needed, may be obtained by contacting the Agenda Docket Clerk, Office of Chief Clerk (OCC), by either calling 512-239-3300, or writing the Agenda Docket Clerk, at TCEQ Office of Chief Clerk MC 105, P.O. Box 13087, Austin, Texas 78711-3087.

If you have any questions about these appeals, please contact John Sedberry, Assistant General Counsel, at 512/239-6575.

Respectfully,

A handwritten signature in cursive script that reads "Celeste A. Baker".

Celeste A. Baker
Acting General Counsel

Enclosure

Mailing List

Mailing List

Valero

TCEQ Docket Nos. 2006-0548-UIC, 2007-0724-MIS-E
and 2007-0732-MIS-U through 2007-0740-MIS-U

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Parker Wilson
Managing Counsel
Environmental/Safety and
Regulatory Affairs Law

September 12, 2007

D.A. Chris Ekoh
Attorney, Environmental Law Division
Texas Commission on Environmental Quality
MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Re: Joint Status Report to the TCEQ General Counsel
Appeal of Use Determinations, Valero Companies

Dear Mr. Ekoh:

As requested, following is a paragraph summarizing what I believe is the status of Valero's and the TCEQ's discussions regarding the negative use determinations that were issued by the Executive Director's staff on April 18, 2007.

"Valero and the Executive Director have had fruitful discussions regarding the negative use determinations issued to Valero on April 18, 2007. We believe it would be productive to continue to toll the appeal which was filed by Valero on May 8, 2007, for an additional 90 days to allow further discussions so that a mutually agreeable resolution can be arrived at by the parties. We would also propose that a second joint status report be submitted to the General Counsel of the TCEQ at or before the expiration of this time period."

I hope this is satisfactory for your purposes. If you have any questions or would like to propose alternate language, please don't hesitate to contact me at (210) 345-5894, or by e-mail at parker.wilson@valero.com. Thanks again for your help with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Parker Wilson", written over a horizontal line.

Parker Wilson

Enc.

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
H. S. Buddy Garcia, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY
MAY 25 PM 2:19
CHIEF CLERK'S OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 25, 2007

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

Re: Appeals of the Executive Director's Negative Use Determinations regarding various Valero refinery property, TCEQ Use Determination Nos. 06-10268, 06-10270 and 06-10271, and 10279 through 06-10285; TCEQ Docket Nos. 2007-0724-MIS-U and 2007-0732-MIS-U through 2007-0740-MIS-U.

The above-referenced appeals (Appeals) were filed by Valero Energy Corporation and/or related entities (Appellants or Valero). By letter dated May 18, 2007, Valero's representative, Mr. Parker Wilson, requests that the scheduling of the appeals for Commission consideration be postponed indefinitely. The letter indicates that Valero is continuing to discuss its applications with the Executive Director's staff. Accordingly, no briefing is requested at this time with regard to the Appeals, and formal consideration of the Appeals is postponed at this time unless Valero notifies the Commission's Chief Clerk and all persons on the attached mailing list that it wishes to proceed with its Appeals. In light of the postponement, I request that Valero and the Executive Director's staff submit a joint status report on the Appeals on or before September 14, 2007, unless Valero has earlier notified the agency that it wishes to proceed with briefing on and consideration of the Appeals.

Copies of the ten Appeals, if needed, may be obtained by contacting the Agenda Docket Clerk, Office of Chief Clerk (OCC), by either calling 512-239-3300, or writing the Agenda Docket Clerk, at TCEQ Office of Chief Clerk MC 105, P.O. Box 13087, Austin, Texas 78711-3087.

If you have any questions about these appeals, please contact Celeste A. Baker, Assistant General Counsel, at 512/239-5527.

Respectfully,

A handwritten signature in black ink that reads "Derek Seal".

Derek Seal
General Counsel

Mailing List

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Mailing List
Valero and/or related entities.
TCEQ Docket Nos. 2007-0724-MIS-U and 2007-0732-MIS-U through 2007-
0740-MIS-U. 2006-0548-UIC-U

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Applications 06-10270 & 06-10271:
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Parker Wilson
Managing Counsel
Environmental/Safety and
Regulatory Affairs Law

May18, 2007

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 MAY 21 PM 3:14
CHIEF CLERKS OFFICE

LaDonna Castañuela
Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, TX 78711-3087

Re: Pollution Control Property Use Determination Appeals

Dear Ms. Castañuela:

On May 8, 2007 Valero submitted formal appeals of the Executive Director's initial negative use determination for ten pollution control projects at five of its Texas refineries. A copy of these appeals is enclosed with this letter for your convenience. Valero submitted these appeals in order to comply with the regulatory appeal filing deadline in 30 TAC Chapter 17.

Valero is continuing to discuss its use determination applications with the Executive Director's staff. In the interest of facilitating these discussions Valero respectfully requests that scheduling of the appeals for commission consideration be postponed indefinitely.

I appreciate your time and attention to this matter. Please don't hesitate to contact me at (210) 345-5894 should you have any questions or need additional information.

Sincerely,

Parker Wilson

Enc.

Cc: Derek Seal, General Counsel, TCEQ (w/ enc)
Roy Martin, VP, Ad Valorem Tax, Valero (w/o enc)
Trey Novosad, Ad Valorem Tax, Valero (w/o enc)
Rich Walsh, VP and Assistant General Counsel, Valero (w/o enc)