

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

September 22, 2008

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

Re: Application by Regional Land Management Services, Ltd. for a Type I MSW Permit (No. 2286); TCEQ Docket No. 2003-0729-MSW; SOAH Docket No. 582-04-0975.

This letter is in response to the request filed on September 19, 2008 by Eric Allmon on behalf of Highway 359 Landowners Coalition (Protestants) in the above-referenced matter. That letter requests an extension of time to file exceptions to the Administrative Law Judges' Proposal for Decision until September 29, 2008. That letter represents that counsel for the Protestants has contacted the other parties to that proceeding and that they are unopposed to the request.

Pursuant to 30 Texas Administrative Code § 80.257(b), this letter hereby extends the time for filing exceptions to the Administrative Law Judges' Proposal for Decision until 5:00 p.m. on Monday, **September 29, 2008**. Any replies to those exceptions may be filed no later than 5:00 p.m. on Thursday, **October 9, 2008**. An original and 11 copies of any exceptions or replies must be filed with the Chief Clerk of the TCEQ at: Office of the Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711 [Fax (512) 239-3311]. Exceptions and replies should be served on those persons contained on the attached mailing list on the same day the document is filed with the Chief Clerk.

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Les Trobman".

Les Trobman
General Counsel

Mailing List

Mailing List
Regional Land Management
TCEQ Docket No. 2003-0729-MSW
SOAH Docket No. 582-04-0975

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McElroy, Sullivan & Miller, L.L.P.
P.O. Box 12127
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512/327-8111 FAX: 512/327-6566

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Richard Lowerre
Lowerre & Kelly
44 East Avenue, Suite 101
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Helen Currie Foster
John B. McFarland
Graves, Dougherty, Hearon & Moody
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James P. Allison
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Allison Bass & Associates, LLP
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512/482-0701 FAX: 512/480-0902

Judge Carol Wood
Judge Carol Birch
State Office of Administrative Hearings
300 West 15th Street, Suite 502
Austin, Texas 78701
512/475-4993 FAX: 512/936-0730

Homero Ramirez - (courtesy copy)
Webb County Attorney
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Laredo, Texas 78040
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P.O. Box 13087
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512/239-0600 FAX 512/239-0606

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

Bridget Bohac
TCEQ Office of Public Assistance MC 108
P.O. Box 13087
Austin, TX 78711-3087
512/239-4000 FAX: 512/239-4007

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

September 19, 2008

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 SEP 19 PM 1:57
CHIEF CLERKS OFFICE

Les Trobman
General Counsel
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

VIA FACSIMILE 239-5533

Re: SOAH Docket No. 582-04-0975; TCEQ Docket No. 2003-0729-MSW; In Re. Application by Regional Land Management Services, LTD., for a New Type I Municipal Solid Waste Landfill (MSW Permit No. 2286)

Dear Mr. Trobman:

The Judges received Protestant Highway 359 Landowner's Coalition's unopposed request for an extension of time to file exceptions to the Proposal for Decision issued in this case.

Because such request must be made to the Commission, the motion is being forwarded to the General Counsel.

Sincerely,

Carol Wood
Carol Wood
Administrative Law Judge

Carol S. Birch
Carol S. Birch
Administrative Law Judge

CSB/lh
Enclosure
cc: Mailing List

ULI TO 2000 100 04 00 PII LOWERRE FREDERICK PERALE

FAX NO. 5124829346

LOWERRE, FREDERICK, PERALES ALLMON & ROCKWELL

44 East Avenue, Suite 100
Austin, TX 78701
(512) 469-6000 Phone
(512) 482-9346 FAX

FAX COVER SHEET

To: **Judge Wood & Judge Birch** Fax: 475-4994

Brent Ryan Fax: 327-6566

Jlm Allison & Eric Magee Fax: 480-0902

Helen Currie Foster & John B. McFarland Fax: 480-5881

Garrett Arthur Fax: 239-6377

LaDonna Castañuela Fax: 239-3311

From: **Eric Allmon**

Date: **9/18/2008**

DOCUMENTS	NUMBER OF PAGES (not including cover pg.)
<u>Protestant Highway 359 Landowners Coalition's UNOPPOSED MOTION FOR EXTENSION OF DEADLINES FOR FILING OF EXCEPTIONS AND REPLIES TO EXCEPTIONS TO PROPOSAL FOR DECISION</u>	2

COMMENTS:

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09/19/2008 13:00 FAX 512 936 0730

Received:

SOAH

Sep 19 2008 01:55pm

004/008

TO: 512 936 0730 FROM: LOWERRE FREDERICK PEKALE

FAX NO. 5124829346

P. 02/02

PLEASE CALL 512.469.6000 AS SOON AS POSSIBLE IF ALL PAGES ARE NOT RECEIVED OR IF THERE ARE ANY OTHER PROBLEMS WITH THE TRANSMITTAL OF THIS FAX.

09/18/08 THU 16:58 TX/RX NO 61861

**TCEQ DOCKET NO. 2003-0729-MSW
SOAH DOCKET NO. 582-04-0975**

**APPLICATION OF REGIONAL
LAND MANAGEMENT SERVICES,
LTD, FOR A TYPE 1 MUNICIPAL
SOLID WASTE PERMIT (NO. MSW-
2286)**

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**BEFORE THE TEXAS
COMMISSION ON
ENVIRONMENTAL QUALITY**

**PROTESTANT HIGHWAY 359 LANDOWNERS COALITION'S UNOPPOSED
MOTION FOR EXTENSION OF DEADLINES FOR FILING OF EXCEPTIONS
AND REPLIES TO EXCEPTIONS TO PROPOSAL FOR DECISION**

TO THE HONORABLE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

Comes now, Highway 359 Landowners Coalition, and files this, its Unopposed Motion for Extension of Deadlines for Filing of Exceptions and Replies to Exceptions to Proposal for Decision, and would respectfully show the following:

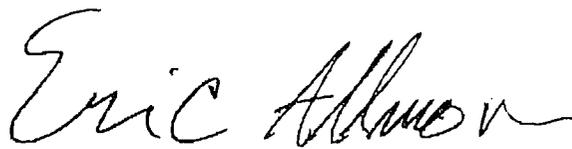
The Administrative Law Judges in this case issued a proposal for decision on September 2, 2008. Consequently, Exceptions to this Proposal for Decision are due on September 22, 2008, and Replies to Exceptions are due on October 2, 2008. Counsel for Protestants are working to meet several other deadlines in matters before the State Office of Administrative Hearings (SOAH), and Federal Court, which fall on September 19, 22 and 23. Additionally, co-counsel for Protestants, Eric Allmon, has been required to spend time in Houston over recent days assisting family affected by Hurricane Ike. Due to these circumstances, Protestants are seeking an extension of the current deadline for exceptions to September 29, and an accompanying extension of the deadline to file replies to exceptions to October 9.

Counsel for Protestant has contacted all parties to the case regarding this requested extension, and no party opposes the requested extensions if both deadlines are extended. Counsel for Protestant attempted to contact both Judge Birch and Judge Wood but was unable to reach them; however, detailed messages were left with their assistants.

For these reasons, Protestant respectfully prays that the deadline for the filing of Exceptions to the Proposal for Decision in this matter be extended to September 29, 2008, and that the deadline for the filing of Replies to Exceptions to the Proposal for Decision be extended to October 9, 2008.

Respectfully submitted,

By:



Eric Allmon
State Bar No. 24031819

LOWERRE, FREDERICK, PERALES,
ALLMON & ROCKWELL
707 Rio Grande, Suite 200
Austin, Texas 78701
Tel: (512) 469-6000
Fax: (512) 482-9346

CERTIFICATE OF SERVICE

By my signature above, I, Eric Allmon, certify that on the 18th day of September, 2008, a true and correct copy of the foregoing **UNOPPOSED MOTION FOR EXTENSION OF DEADLINES FOR FILING OF EXCEPTIONS AND REPLIES TO EXCEPTIONS TO PROPOSAL FOR DECISION** was served upon the following persons via hand delivery, facsimile transmission, and/or U.S. First Class Mail.

Jim Allison
Eric Magee
Allison Bass & Associates, LLP
402 West 12th St.
Austin, Texas 78040
Fax: 512/480-0902

Garrett Arthur
Office of Public Interest Counsel
TCEQ - MC-103
P.O. Box 13087
Austin, Texas 78711-3087
Fax: 512/239-6377

Brent Ryan
McElroy, Sullivan & Miller
1201 Spyglass Dr., Suite 200
Austin, Texas 78746
Fax: 512/327-6566

Helen Currie Foster
John B. McFarland
Graves, Dougherty, Hearon & Moody,
P.C.
401 Congress Ave., Suite 2200
Austin, Texas 78701
Fax: 512/480-5881

LaDonna Castañuela
Office of the Chief Clerk
TCEQ - MC 105
P.O. Box 13087
Austin, Texas 78711-3087
Fax: 512/239-3311

The Honorable Carol Wood
The Honorable Carol Birch
State Office of Administrative Hearings
300 West 15th St., Suite 502
Austin, Texas 78701

**STATE OFFICE OF ADMINISTRATIVE HEARINGS
WILLIAM P. CLEMENTS BUILDING
300 West 15th Street, Suite 502
Austin, Texas 78701
Phone (512) 475-4993
Facsimile (512) 475-4994**

SERVICE LIST

AGENCY: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

STYLE/CASE: APPLICATION OF REGIONAL LAND MANAGEMENT SERVICES, LTD. FOR A NEW TYPE I MUNICIPAL SOLID WASTE LANDFILL (MSW PERMIT NO. 2286)

SOAH DOCKET NUMBER: 582-04-0975
TCEQ DOCKET NUMBER: 2003-0729-MSW

ADMINISTRATIVE COURT

STATE OFFICE OF ADMINISTRATIVE HEARINGS

JUDGE CAROL WOOD
JUDGE CAROL BIRCH
State Office of Administrative Hearings
300 West 15th St., Suite 502
Austin, Texas 78701
Phone (512) 475-4993
Facsimile (512) 936-0730

PARTIES

REPRESENTATIVE/ADDRESS

<p>REGIONAL LAND MANAGEMENT SERVICES, LTD.</p>	<p>Brent W. Ryan McElroy, Sullivan & Miller, L.L.P. P. O. Box 12127 Austin, TX 78711 Tel 512/327-8111 Fax 512/327-6566</p>
<p>HIGHWAY 359 LANDOWNERS COALITION, and GUILLERMO CAVAZOS</p>	<p>Marisa Perales Richard Lowerre Lowerre, Frederick, Perales, Allmon & Rockwell 707 Rio Grande, Suite 200 Austin, Texas 78701 Tel 512/482-9345 Fax 512/482-9346</p>
<p>ROSETTA RESOURCES OPERATING L.P.</p>	<p>Helen Currie Foster John B. McFarland Graves, Dougherty, Hearon & Moody P.O. Box 98 Austin, Texas 78767 Tel 512/480-5681 Fax 512/480-5881</p>

STATE OFFICE OF ADMINISTRATIVE HEARINGS
William P. Clements Building
300 West 15th Street
Suite 502
Austin, Texas 78701
Phone (512) 475-4993
Facsimile (512) 936-0770

CHIEF CLERKS OFFICE

2008 SEP 19 PM 1:07

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

September 19, 2008

DATE:
NUMBER OF PAGES INCLUDING THIS COVER SHEET:

SOAH DOCKET NO.:
TCEQ DOCKET NO.:

582-04-0975
2003-0729-MSW

REGARDING: LETTER REGARDING EXTENSION OF TIME
FROM: JUDGES CAROL BIRCH AND CAROL WOOD

FAX TO:	FAX NO.:
Brent W. Ryan (REGIONAL LAND MANAGEMENT SERVICES, LTD)	327-6566
Marisa Perales/ Richard Lowerre	482-9346
Helen Currie Foster/ John B. McFarland	480-5881
James P. Allison/Eric Magee (WEBB COUNTY) Homero Ramirez (courtesy copy)	480-0902 956/523-5005
Garrett Arthur (OPIC)	239-6377
Anthony Tatu (TCEQ) (courtesy copy)	239-0606
Docket Clerk	239-3311
Les Trobman	239-5533

NOTE: If you have any questions or any problems with this fax transmittal, please contact Lisa Hornback at 512/475-4993.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the above-named recipient(s) or the individual or agent responsible to deliver it to the intended recipient. You are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

LOWERRE, FREDERICK, PERALES,
ALLMON & ROCKWELL

ATTORNEYS AT LAW
707 Rio Grande, Suite 200
Austin, Texas 78701
(512) 469-6000 • (512) 482-9346 (facsimile)
Mail@LF-LawFirm.com

September 18, 2008

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

**Re: Application of Regional Land Management Services, Ltd., for a Type 1
Municipal Solid Waste Permit (No. MSW-2286); SOAH Docket No. 582-04-
0975; TCEQ Docket No. 2003-0729-MSW**

Dear Ms. Castañuela:

Please find enclosed Protestant Highway 359 Landowners Coalition's Unopposed Motion for Extension of Deadlines for Filing of Exceptions and Replies to Exceptions to Proposal for Decision.

Thank you for your consideration of this matter. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Eric Allmon

CC: Service List

CHIEF CLERKS OFFICE

2008 SEP 22 AM 11:17

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

TCEQ DOCKET NO. 2003-0729-MSW SEP 22 AM 11: 17
SOAH DOCKET NO. 582-04-0975

CHIEF CLERKS OFFICE

APPLICATION OF REGIONAL
LAND MANAGEMENT SERVICES,
LTD, FOR A TYPE 1 MUNICIPAL
SOLID WASTE PERMIT (NO. MSW-
2286)

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BEFORE THE TEXAS
COMMISSION ON
ENVIRONMENTAL QUALITY

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MOTION FOR EXTENSION OF DEADLINES FOR FILING OF EXCEPTIONS
AND REPLIES TO EXCEPTIONS TO PROPOSAL FOR DECISION**

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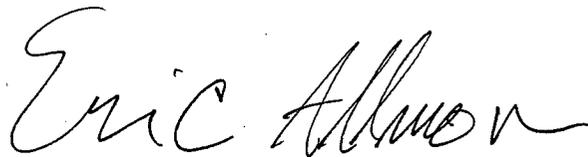
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Respectfully submitted,

By:



Eric Allmon
State Bar No. 24031819

LOWERRE, FREDERICK, PERALES,
ALLMON & ROCKWELL
707 Rio Grande, Suite 200
Austin, Texas 78701
Tel: (512) 469-6000
Fax: (512) 482-9346

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Jim Allison
Eric Magee
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Brent Ryan
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Garrett Arthur
Office of Public Interest Counsel
TCEQ – MC-103
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The Honorable Carol Wood
The Honorable Carol Birch
State Office of Administrative Hearings
300 West 15th St., Suite 502
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