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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 16, 2010

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

Re: In The Matter Of An Enforcement Action Concerning 4200 Rosedale, LLC and Goodyear Tire & Rubber Company; TCEQ Docket No. 2007-1259-PST-E; SOAH Docket No. 582-09-5891.

This letter is in response to the Motion to Extend Deadline to File Exceptions to the Proposal for Decision (Motion) filed by the Respondent, 4200 Rosedale, LLC ("Rosedale") on September 14, 2010 in the above-referenced matter.

The Administrative Law Judge's Proposal for Decision ("PFD") stated that all exceptions were to be filed no later than July 12, 2010. Rosedale filed its Exceptions to the PFD ("Exceptions") by facsimile on July 12, 2010. Rosedale's Exceptions were received by the Chief Clerk's Office at 5:03pm. In accordance with 30 TAC § 1.11(d), it is the policy of the Chief Clerk's Office that any filing received by facsimile after 5:00pm is deemed to be served on the following business day.

The Motion requests an extension of time to file Exceptions until July 13, 2010 to make timely the Exceptions received by facsimile at 5:03pm on July 12, 2010, and deemed filed on July 13, 2010. The Motion represents that counsel for Rosedale has contacted counsels of the other parties to the proceeding, and that counsel for each respective party have stated that they are not in opposition to the extension to file Exceptions.

Having reviewed the Motion filed by Rosedale, OGC finds that extending the deadline by one day is appropriate under the circumstances. Therefore, the deadline to file Exceptions in the above-referenced matter is hereby extended until 5:00 p.m. on July 13, 2010, pursuant to 30 TAC §80.257(b).

If you have any questions concerning this matter, please contact Barham A. Richard, Assistant General Counsel, at (512) 239-0107.

Very truly yours,

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

Les Trobman
General Counsel

Mailing List

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and Goodyear Tire & Rubber Company
TCEQ Docket No. 2007-1259-PST-E
SOAH Docket No. 582-09-5891

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