

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*

August 27, 2009

TO: All Persons on Mailing List

RE: **SOAH Docket No. 582-08-2177; TCEQ Docket No. 2007-1765-MWD.** Application of **TCB Rental, Inc.** for a New Wastewater Permit, in **Burleson County, Texas**

The above-referenced matter is scheduled to be considered by the Texas Commission on Environmental Quality on **September 9, 2009** at **9:30 A.M.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas.

Pursuant to 30 TAC § 80.263, oral presentations before the commission shall be limited to five minutes each, excluding time for answering questions, unless the chairman or general counsel establishes other limitations.

Should you need any additional information, please contact Melissa Chao at the Texas Commission on Environmental Quality, Office of the Chief Clerk, (512) 239-3300.

Sincerely,

A handwritten signature in cursive script, reading "LaDonna Castañuela".

LaDonna Castañuela  
Chief Clerk

LDC/mc

**MAILING LIST**  
**TCB RENTAL, INC.**  
**SOAH DOCKET NO. 582-08-2177**  
**TCEQ DOCKET NO. 2007-1765-MWD**

Geoffrey P. Kirshbaum  
The Terrill Firm, P.C.  
810 West 10<sup>th</sup> Street  
Austin, Texas 78701

Representing the Applicant

Leonard and Jean Killgore  
P.O. Box 625  
Somerville, Texas 77879

Representing Leonard and Jean Killgore

Amy Rickers  
Munsch, Hardt, Kopf & Harr, P.C.  
3800 Lincoln Plaza  
500 North Akard Street  
Dallas, Texas 75201-6659

Representing the Koontz Bayou Old River  
Group

Chris Ekoh, Senior Attorney  
Texas Commission on Environmental Quality  
Legal Division, MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-0600  
Fax: (512) 239-0606

Representing the Executive Director  
of the TCEQ

Eli Martinez  
Texas Commission on Environmental Quality  
Office Public Interest Counsel, MC-103  
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Representing the Office of Public Interest  
Counsel

Michael O' Malley, Administrative Law Judge  
State Office of Administrative Hearings  
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Austin, Texas 78701  
Tel: (512) 475-4993  
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Docket Clerk  
Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC-105  
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Austin, Texas 78711-3087  
Tel: (512) 239-3300  
Fax: (512) 239-3311

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*

June 24, 2009

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

Re: Application by TCB Rental, Inc. for TPDES Permit No. WQ0014725001; TCEQ Docket No. 2007-1765-MWD; SOAH Docket No. 582-08-2177.

On June 23, 2009, Koontz Bayou Old River Group (KBOR) filed a Motion for Extension for Filing Objections/Exceptions to the Proposal for Decision (Motion) in the above matter. KBOR's Motion requests that the June 25, 2009 deadline to file objections/exceptions to the Proposal for Decision (PFD) be extended until 5:00 p.m. on July 6, 2009, and the deadline to file replies to objections/exceptions be extended until 5:00 p.m. on July 20, 2009. KBOR has advised the Office of General Counsel that the other parties to the matter are unopposed to such an extension. Accordingly, the deadline for the filing of objections/exceptions to the PFD is extended to **5:00 P.M. on July 6, 2009**, and the deadline to file replies to the objections/exceptions is extended until **5:00 P.M. on July 20, 2009**. An original and 7 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 about the briefing schedule or related matters, please contact John Sedberry, Assistant General Counsel, at 512/239-6575.

Respectfully,

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

Les Trobman  
General Counsel

Mailing List

Mailing List  
TCB Rental, Inc.  
TCEQ Docket No. 2007-1765-MWD  
SOAH Docket No. 582-08-2177

Amy Rickers  
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3800 Lincoln Plaza  
500 North Akard St.  
Dallas, Texas 75201-6659  
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Kyle Lucas  
TCEQ Alternative Dispute  
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P.O. Box 13087  
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Geoffrey Kirshbaum  
The Terrill Firm, P.C.  
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Austin, Texas 78701

Jean & Leonard Killgore  
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Somerville, Texas 77879-0625

Michael J. O'Malley  
Administrative Law Judge  
State Office of Administrative Hearings  
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Eli Martinez  
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Bridget Bohac  
TCEQ Office of Public Assistance MC 108  
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Austin, Texas 78711-3087  
512/239-4000 FAX 512/239-4007

O:TCEQ - Chief Clerk COMPANY:

**MUNSCH HARDT  
KOPF & HARR P.C.**  
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June 24, 2009

Via Facsimile (512) 239-3311

LaDonna Castañuela  
Chief Clerk  
Texas Commission on Environmental Quality  
12100 Park 35 Circle, MC-101, Building F  
Austin, Texas 78711-3087

Re: SOAH DOCKET NO. 582-08-2177  
TCEQ Docket No. 2007-1765-MWD

Dear Ms. Castañuela:

Enclosed please find *Koontz Bayou Old River Group's Motion for Extension for Filing Objections/Exceptions to the Proposal for Decision*. This motion was inadvertently sent to SOAH for filing yesterday.

By copy hereof, all counsel of record are being provided copies of this filing.

Very truly yours,

MUNSCH HARDT KOPF & HARR, P.C.

*Amy Rickers*  
Amy Rickers

AR/ta

Enclosure

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
7:09 JUN 24 PM 1:47  
CHIEF CLERKS OFFICE

O:TCEQ - Chief Clerk COMPANY:

*Judge Michael J. O'Malley*  
*June 24, 2009*  
*Page 2*

cc: *Via Facsimile (512) 474-9888*

Paul M. Terrill, III  
Geoffrey Kirshbaum  
The Terrill Firm, P.C.  
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*Via Facsimile (512) 239-6377*

Eli Martinez  
Texas Commission on Environmental Quality  
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*Via Facsimile (979) 272-9181*

Jean & Leonard Killgore  
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Somerville, TX 77879-0625

*Via Facsimile (512) 239-5533*

Les Trobman  
General Counsel  
Texas Commission on Environmental Quality  
12100 Park 35 Circle, MC-101, Building F  
Austin, Texas 78711-3087

O:TCEQ - Chief Clerk COMPANY:

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2009 JUN 24 PM 1:47

CHIEF CLERKS OFFICE

SOAH DOCKET NO. 582-08-2177  
TCEQ DOCKET NO. 2007-1765-MWD

IN THE MATTER OF THE	§	BEFORE THE STATE OFFICE
APPLICATION OF TCB RENTAL, INC	§	
FOR A NEW WASTEWATER PERMIT,	§	OF
PROPOSED TEXAS POLLUTANT	§	
DISCHARGE ELIMINATION SYSTEM	§	ADMINISTRATIVE HEARINGS
PERMIT NO. WQ0014725001	§	
	§	

**MOTION FOR EXTENSION FOR FILING OBJECTIONS/EXCEPTIONS TO THE PROPOSAL FOR DECISION**

Koontz Bayou Old River Group ("KBOR") respectfully presents this Motion for Extension for Filing Objections/Exceptions to the Proposal for Decision and would show as follows:

1. Judge Michael J. O'Malley issued a Proposal for Decision in the above styled matter on June 5, 2009;
2. As noted with the filing of KBOR's Reply Brief filed on April 20, 2009 (and attached hereto as Exhibit A), counsel for KBOR has been in trial from June 8-19, 2009, and will be in trial from June 22-26, 2009;
3. Due to this trial schedule, the filing of objections/exceptions to the Proposal for Decision on or before June 25, 2009 is impractical;
4. Therefore, KBOR respectfully requests an extension of the deadline to file such objections/exceptions to July 6, 2009 and an extension of the deadline to file replies to objections/exceptions to July 20, 2009.

**MOTION FOR EXTENSION FOR FILING OBJECTIONS/EXCEPTIONS TO PROPOSAL FOR DECISION** PAGE 1

O:TCEQ - Chief Clerk COMPANY:

**Prayer**

Based on the good cause established above, KBOR respectfully requests that the Texas Commission on Environmental Quality extend the deadline for filing objections/exceptions and briefs to the Proposal for Decision in this matter to July 6, 2009 and, accordingly, extend the deadline to file replies to objections/exceptions or briefs to July 20, 2009.

Respectfully submitted,

MUNSCH HARDT KOPF &amp; HARR, P.C.

By:



Amy Rickers  
State Bar No. 24013399  
3800 Lincoln Plaza  
500 North Akard Street  
Dallas, Texas 75201-6659  
(214) 855-7500 (Telephone)  
(214) 855-7584 (Facsimile)

ATTORNEY FOR KOONTZ BAYOU OLD  
RIVER GROUP

**CERTIFICATE OF CONFERENCE**

I hereby certify that on June 22-23, 2009 a conference was held with Geoffrey Kirschbaum and Jean Killgore regarding the substantive issues of this motion and the parties were unopposed to such extension. After multiple attempts, I was unable to reach Eli Martinez.



Amy Rickers

**MOTION FOR EXTENSION FOR FILING OBJECTIONS/EXCEPTIONS TO PROPOSAL FOR  
DECISION**

PAGE 2

O:TCEQ - Chief Clerk COMPANY:

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been sent via facsimile and certified mail, return receipt requested, on this 24 day of June, 2009 to the following counsel of record:

Les Trobman  
General Counsel  
Texas Commission on Environmental Quality  
12100 Park 35 Circle, MC-101, Building F  
Austin, Texas 78711-3087

Michael J. O'Malley  
Administrative Law Judge  
State Office of Administrative Hearings  
Austin Office  
300 West 15th Street, Suite 502  
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Paul M. Terrill III  
Geoffrey Kirshbaum  
The Terrill Firm, P.C.  
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Eli Martinez  
Texas Commission on Environmental Quality  
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Jean & Leonard Killgore  
P.O. Box 625  
Somerville, Texas 77879-0625

  
Amy Rickers

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2009 JUN 24 PM 1:47  
CHIEF CLERK'S OFFICE

**MOTION FOR EXTENSION FOR FILING OBJECTIONS/EXCEPTIONS TO PROPOSAL FOR DECISION**

**PAGE 3**

O:TCEQ - Chief Clerk COMPANY:

**MUNSCH HARDT  
KOPF & HARR P.C.**  
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Amy Rickers  
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April 20, 2009

Via Federal Express No. 797523024574 &  
Facsimile (312) 475-4994

Clerk for Michael J. O'Malley  
Administrative Law Judge  
State Office of Administrative Hearings  
Austin Office  
300 West 15<sup>th</sup> Street, Suite 502  
Austin, TX 78701

Re: SOAH DOCKET NO. 582-08-2177  
TCEQ Docket No. 2007-1765-MWD

Dear Clerk of the Court:

Enclosed please find *Koontz Bayou Old River Group's Reply Brief*. Please file the original with the Court and return a file-stamped copy to me in the self-addressed, stamped return envelope enclosed for your convenience.

Please be advised that I will be unavailable for hearings May 18-22, June 8-19, and June 22-26 due to trials in other matters. I will also be out of state from July 13-24, 2009. I respectfully request that all hearings associated with this matter be scheduled outside of these dates.

By copy hereof, all counsel of record are being provided copies of this filing.

Very truly yours,

MUNSCH HARDT KOPF &amp; HARR, P.C.

  
Amy Rickers

O:TCEQ - Chief Clerk COMPANY:

*Clerk for Michael J. O'Malley*  
*April 20, 2009*  
*Page 2*

AR/ta

Enclosure

cc: *Via Facsimile (512) 474-9888 &*  
*First Class Mail*  
Paul M. Terrill, III  
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Main Fax: 512-391-6149

## FAX

Please deliver as soon as possible to:

Recipient	Company	Fax No.	Phone No.
TCEQ - Chief Clerk		512-239-3311	

Date: 6/24/2009 12:47:12 PM

From: Tish Avila

Phone #: 214-880-7651

C/M #: .

Total number of pages (including this cover sheet): 8

Special Message:

THE ATTACHED MOTION WAS INADVERTENTLY SENT TO SOAH. WE ASK FOR IMMEDIATE ATTENTION SINCE IT PERTAINS TO A CURRENT DEADLINE OF TOMMORROW. THANK YOU IN ADVANCE.

2009 JUN 24 PM 1:47  
 CHIEF CLERKS OFFICE  
 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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