

MAILING LIST
WEIRICH BROTHERS, L.P.
SOAH DOCKET NO. 582-09-1256
TCEQ DOCKET NO. 2008-0642-MLM-E

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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

October 23, 2009

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

Re: Proposal for Decision in the matter of an Enforcement Action against Weirich Brothers, L.P.; TCEQ Docket No. 2008-0642-MLM-E; SOAH Docket No. 582-09-1256.

On October 21, 2009, this office extended the time for filing exceptions and replies to the above-referenced Proposal for Decision to October 9, 2009 and October 14, 2009, respectively, to account for late filings by the Respondent and the Executive Director. Our previous letter noted that the Executive Director's filing was received on October 14, 2009. However, it was not received and filed until October 16, 2009. We apologize for any confusion this has caused.

The time for filing replies to the Proposal for Decision is hereby extended to **October 16, 2009**. Thus, all filings received to date will be distributed to the Commissioners and considered timely. No additional filings are authorized by this correspondence. If you have any questions about this matter, please contact Tracy Gross, Assistant General Counsel at (512) 239-1736.

Very truly yours,

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

Les Trobman
General Counsel

Mailing List

Mailing List
Weirich Brothers, L.P.
TCEQ Docket No. 2008-0642-MLM-E
SOAH Docket No. 582-09-1256

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 21, 2009

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

Re: Proposal for Decision in the matter of an Enforcement Action against Weirich Brothers, L.P.; TCEQ Docket No. 2008-0642-MLM-E; SOAH Docket No. 582-09-1256.

By letter dated September 24, 2009, the Office of General Counsel previously extended the time for filing exceptions and replies to the above-referenced Proposal for Decision to October 2, 2009 and October 9, 2009, respectively. However, due to a problem associated with the mail out of the September 24, 2009 letter, the Executive Director and Office of Public Interest Counsel did not receive it and were unaware of the new deadlines. Exceptions were received from the Weirich Brothers (Respondent) on October 9, 2009 and a reply was received from the Executive Director on October 14, 2009.

I have determined to again extend the time for filing exceptions and replies to the Proposal for Decision in the above-referenced matter, so that the October 9th Respondent's filing and the Executive Director's October 14th filing are considered timely in light of the problems associated with previous mail outs. Accordingly, pursuant to 30 TAC Section 80.257, this letter shall serve as the order extending the deadline for filing exceptions to **October 9, 2009** and the deadline for filing replies to **October 14, 2009**. No additional filings are authorized by this correspondence. If you have any questions about this matter, please contact Tracy Gross, Assistant General Counsel at (512) 239-1736.

Very truly yours,

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

Les Trobman
General Counsel

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SOAH Docket No. 582-09-1256

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 24, 2009

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

Re: The Administrative Law Judge's Proposal for Decision and Proposed Order regarding the matter of an Enforcement Action against Weirich Brothers, L.P.; TCEQ Docket Nos. 2008-0642-MLM-E; SOAH Docket Nos. 582-09-1256.

This letter is regarding the deadlines to file late exceptions and replies in the above-referenced matter. It has come to the attention of the General Counsel that some confusion may have existed regarding the mailing of the Proposal for Decision and Proposed Order to the registered attorney for Weirich Brothers, L.P. ("Respondent") instead of the Respondent's representative. The Administrative Law Judge's submission of the Proposal for Decision established the deadlines for the parties to file exceptions by August 3, 2009, and replies to exceptions by August 13, 2009. The Executive Director filed his exceptions on August 3, 2009. The Respondent did not file exceptions.

After assessing the situation, I have determined on my own motion to extend the time to allow the Respondent to file its exceptions no later than **October 2, 2009, at 5:00 p.m.** In addition, I have determined that the Executive Director and the Respondent may file replies to the exceptions no later than **October 9, 2009, at 5:00 p.m.** Accordingly, this letter shall serve as an order extending the identified deadlines in the above-referenced matter pursuant to 30 Texas Administrative Code §§ 10.3 and 80.257.

If you have any questions about this matter, please contact Todd Burkey with my office at 512/239-2941.

Respectfully,

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

Les Trobman
General Counsel

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TCEQ Docket No. 2008-0642-MLM-E
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 28, 2009

TO: SEE SERVICE LIST

RE: Opportunity to Comment on the State Office of Administrative Hearings Proposal for Decision and Order regarding **Weirich Brothers, L.P., TCEQ Docket No. 2008-0642-MLM-E & SOAH Docket No. 582-09-1256**

Please be informed that the following notice was published in the *Texas Register* for a 30-day comment period:

The State Office of Administrative Hearings issued a Proposal for Decision and Order to the Texas Commission on Environmental Quality on **July 13, 2009**, in the matter of the **Executive Director of the Texas Commission on Environmental Quality, Petitioner v. Weirich Brothers, L.P.; SOAH Docket No. 582-09-1256; TCEQ Docket No. 2008-0642-MLM-E**. The commission will consider the Administrative Law Judge's Proposal for Decision and Order regarding the enforcement action against **Weirich Brothers, L.P.** on a date and time to be determined by the Office of the Chief Clerk in Room 201S of Building E, 12100 N. Interstate 35, Austin, Texas. This posting is Notice of Opportunity to Comment on the Proposal for Decision and Order. The comment period will end 30 days from date of this publication. Written public comments should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. If you have any questions or need assistance, please contact Melissa Chao, Office of the Chief Clerk, (512) 239-3300.

This notice will be published in the *Texas Register* on **July 31, 2009**. Written public comments should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. Should you have any questions, please call Melissa Chao or me at (512) 239-3300.

Sincerely,

A handwritten signature in black ink that reads "LaDonna Castañuela".

LaDonna Castañuela
Chief Clerk

LDC/mt

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