

LAW OFFICES  
**McGINNIS, LOCHRIDGE & KILGORE, L.L.P.**

600 CONGRESS AVENUE  
SUITE 2100  
AUSTIN, TEXAS 78701

HOUSTON, TEXAS OFFICE  
3200 ONE HOUSTON CENTER  
1221 MCKINNEY STREET  
HOUSTON, TEXAS 77010  
(713) 615-8500  
FAX (713) 615-8585

AUSTIN, TEXAS OFFICE  
(512) 495-6000  
FAX (512) 495-6093

WRITER'S DIRECT DIAL NUMBER:  
495-6013  
mreagan@mcginnislaw.com  
Fax: (512) 505-6313

November 17, 2009

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

Re: Application of U.S. Ecology Texas, Inc. ("USET") for a Class 3 Permit Modification  
SOAH Docket No. 582-09-1971; TCEQ Docket No. 2008-1599-IHW

2009  
NOV 17 AM 10:28  
VIA FACSIMILE  
239-5533  
CHIEF CLERK'S OFFICE  
TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

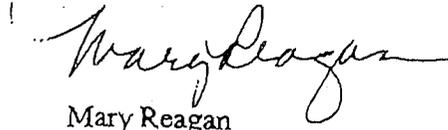
Dear Mr. Trobman:

This letter is to express USET's strong opposition to the motion for continuance in this matter filed by Kenneth Ahlrich. Although the address line reads "Kenneth W. Ahlrich and local residents," it is clear from the Judge's proposal for decision that Mr. Ahlrich and his spouse are the lone opponents to USET's application. The motion does not state sufficient grounds for a continuance in this case. Ahlrich's motion simply contains a naked assertion about a death of close friend. Rule of Civil Procedure 251 requires motions for continuance to include a supporting affidavit verifying facts alleged and further provides that unverified motions for continuance shall not be granted. Section 80.119 of the Commission's rules further requires such motions to be sworn unless the alleged facts are part of the record, which they are not in this case. Because Ahlrich's motion is not supported by an affidavit, as required by law, it should be denied.

Even if verified, however, the grounds alleged do not constitute good cause to continue this matter. The significance of the matters at issue outweighs the personal circumstances of any particular litigant. This is especially true based on the record of this case, where the evidence is already in the record and parties have had multiple opportunities to present their position. It should be pointed out that Ahlrich presented no evidence contesting the merits of USET's application, as pointed out by Judge Walston on page 6 of his proposal for decision, nor did Ahlrich files any exceptions to the proposal for decision despite notice and opportunity to do so. From these facts and circumstances, it is clear that Ahlrich's motion is intended solely for purposes of delay and not in the interest of justice. Therefore, the Commission should deny this motion and proceed with the agenda as posted.

Mr. Les Trobman  
November 17, 2009  
Page 2

Sincerely,



Mary Reagan

MBR/rh

cc: Service List (w/encls.) (attached)

**SERVICE LIST**  
**U.S. ECOLOGY TEXAS, INC.**  
**SOAH DOCKET NO. 582-09-1971**  
**TCEQ DOCKET NO. 2008-1599-IHW**

The Honorable Thomas H. Walston  
Administrative Law Judge  
State Office of Administrative Hearings  
300 West 15<sup>th</sup> Street, Room 504  
Austin, TX 78701  
Tel: (512) 475-4993; Fax: (512) 475-4994  
(via facsimile)

FOR THE APPLICANT

Mary Reagan  
McGinnis, Lochridge & Kilgore, L.L.P.  
600 Congress Avenue, Suite 2100  
Austin, TX 78701  
Tel: (512) 495-6013  
Fax: (512) 495-6093

FOR THE EXECUTIVE DIRECTOR

Diane Goss (via facsimile)  
Staff Attorney  
Texas Commission on Environmental  
Quality  
Environmental Law Division, MC-173  
12100 Park Circle, Bldg. A, 3<sup>rd</sup> Floor  
Austin, TX 78753  
Tel: (512) 239-5731  
Fax: (512) 239-0606

FOR PUBLIC INTEREST COUNSEL

Eli Martinez, Attorney (via facsimile)  
Texas Commission on Environmental  
Quality  
Public Interest Counsel, MC-103  
12100 Park Circle, Bldg. F, 4<sup>th</sup> Floor  
Austin, TX 78753  
Tel: (512) 239-3974  
Fax: (512) 239-6377

FOR THE CHIEF CLERK

Ms. LaDonna Castañuela (via facsimile)  
Texas Commission on Environmental  
Quality  
Office of Chief Clerk, MC-105  
12100 Park 35 Circle, Bldg. F, Room 1101  
Austin, TX 78753  
Tel: (512) 239-3300  
Fax: (512) 239-3311

PROTESTANTS

Kenneth and Virginia Ahlrich (via facsimile)  
3209 FM 892  
Robstown, TX 78380  
Tel: (361) 387-4234  
Fax: (361) 387-4825

David Yopez (via first class mail)  
3470 FM 892  
Robstown, TX 78380

COURTESY COPY

Zulema Zapata (via facsimile)  
District Director  
606 N. Carancahua, Suite 103A  
Corpus Christi, TX 78476  
Tel: (361) 882-2277  
Fax: (361) 882-6706

LAW OFFICES  
MCGINNIS, LOCHRIDGE & KILGORE, L.L.P.

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# FAX COVER SHEET

**FROM:** Mary Reagan

**DIRECT DIAL:** 495-6013

**DATE:** November 17, 2009

**PAGES SENT:** 4  
(INCL. THIS PAGE)

**Re:** U.S. Ecology Texas, Inc.

**COMMENTS:**

To:	FAX NUMBER	PHONE NUMBER
Mr. Les Trobman	239-5533	239-5525
The Honorable Thomas H. Walston	475-4994	475-4993
Diane Goss	239-0606	239-5731
Eli Martinez	239-6377	239-3974
LaDonna Castañuela	239-3311	239-3300
Kenneth and Virginia Ahlrich	361/387-4825	361/387-4234
Zulema Zapata	361/882-6706	361/882-2277

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