

Bryan W. Shaw, Ph.D., *Chairman*
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

November 5, 2010

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

Re: Texas Commission on Environmental Quality v. Ira Betts; TCEQ Docket No. 2008-1814-PST-E; SOAH Docket No. 582-10-0209.

This letter is a *correction letter* regarding the extension dates in response to the request filed on October 27, 2010 by Matthew Doss, of Youngkin & Burns, P.L.L.C., on behalf of Ira Betts, in the above-referenced enforcement matter. The time for filing exceptions to the Administrative Law Judge's Proposal for Decision *for all parties* is extended until **5:00 p.m. on Monday, November 8, 2010**. Any replies to those exceptions may be filed no later than **5:00 p.m. on Thursday, November 18, 2010**. 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] or by filing all responses and replies with the Chief Clerk of the TCEQ electronically at <http://www10.tceq.state.tx.us/epic/efilings>. 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 Shannon Strong, Assistant General Counsel, at (512) 239-0972.

Very truly yours,

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

Les Trobman
General Counsel

Mailing List

Mailing List
Ira Betts
TCEQ Docket No. 2008-1514-PST-E
SOAH Docket No. 582-10-0209

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The Honorable Richard R. Wilfong
Administrative Law Judge
State Office of Administrative Hearings
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 29, 2010

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

Re: Texas Commission on Environmental Quality v. Ira Betts; TCEQ Docket No. 2008-1814-PST-E; SOAH Docket No. 582-10-0209.

This letter is in response to the request filed on October 27, 2010 by Matthew Doss, of Youngkin & Burns, P.L.L.C., on behalf of Ira Betts, in the above-referenced enforcement matter. That letter requests an extension of time to file exceptions to the Administrative Law Judge's Proposal for Decision until November 8, 2010. Mr. Doss states that he was retained as counsel on October 27, 2010 and is in the process of obtaining all live pleadings and other relevant documents in the case and as such needs additional time to review the Proposal for Decision and prepare a response. The letter represents that counsel for the Respondent has contacted the other parties to that proceeding and informed them of the request for extension. TCEQ's Office of Public Interest Council and the Administrative Law Judge both filed letters that stated that they did not object to the request for extension. The Executive Director filed a letter on October 29, 2010, objecting to the request for an extension as untimely, and because the Respondent did not show good cause.

Based upon the Movant's representations concerning the recent obtaining of counsel, and a finding that no harm will result from a brief delay in filing deadlines, a one-time extension is hereby granted. Pursuant to 30 Texas Administrative Code § 80.257(b), which unlike the State Office of Administrative Hearing's rules, does not have an extension request filing deadline, the time for filing exceptions to the Administrative Law Judge's Proposal for Decision for all parties is extended until 5:00 p.m. on Friday, **November 8, 2010**. Any replies to those exceptions may be filed no later than 5:00 p.m. on Wednesday, **November 18, 2010**. 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 concerning this matter, please contact Shannon Strong, Assistant General Counsel, at (512) 239-0972.

October 29, 2010
Page 2

Very truly yours,

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Les Trobman
General Counsel

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