Bryan W. Shaw, Ph.D., *Chairman*
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Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 17, 2010

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

Re: Application by IPA Coleto Creek LLC for Air Quality Permits 83778, PSD-TX-1118 and HAP-18; TCEQ Docket No. 2009-0032-AIR; SOAH Docket No. 582-09-2045.

This letter addresses the time periods associated with filing exceptions and replies to the Administrative Law Judge's Proposal for Decision (PFD) in the above-referenced matter. The Office of General Counsel is modifying the deadlines in response to the request from Christina Mann and Layla Mansuri, counsel for the Protestant Sierra Club, and Paul Tough and Tom Weber, counsel for the Protestant Environmental Defense Fund (EDF). The February 11, 2010 letter requests an extension, indicating that the lead counsel for both the Sierra Club and EDF are currently in a SOAH hearing on another matter until February 19, 2010. They state that therefore, they will not have adequate time to thoroughly review the PFD and prepare exceptions in the above-referenced matter. It is my understanding that aside from the Applicant, as discussed below, no other party opposes the sought relief.

On February 12, 2010, Derek McDonald, Counsel for the Applicant submitted an objection to the request for extension stating that it was not justified because the dates had been negotiated, and further, the Applicant is eager for the permit to be considered by the Commission and opposes delaying the proceeding further. The Office of General Counsel has considered the letters submitted, and is inclined to grant the requested relief. Insofar as the briefing deadlines will be extended to all parties in an equal manner, and the requested extension will not affect the timeframe within which the matter will be brought before the Commission for consideration, OGC has determined that there will be no harm suffered as a result of extending the briefing dates consistent with the request.

Therefore, pursuant to 30 Texas Administrative Code § 80.257(b), this letter hereby extends the time for filing exceptions to the ALJ's Proposal for Decision until **5:00 p.m.** on **Monday, March 8, 2010**. Any replies to those exceptions may be filed no later than **5:00 p.m.** on **Thursday, March 18, 2010**. Any exceptions or replies must be filed with the Chief Clerk of the TCEQ electronically at http://www10.tceq.state.tx.us/epic/efilings/ or by filing an original and seven copies 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 Anne Rowland, Assistant General Counsel, at (512) 239-6376.

Very truly yours,

Les Trobman
General Counsel

Mailing List

Mailing List
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TCEQ Docket No. 2009-0032-AIR
SOAH Docket No. 582-09-2045

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