

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*

May 27, 2010

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

Re: Application of East Texas Precast Co., LTD., for Registration and Approval to Use the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 86593; TCEQ Docket No. 2009-1691-AIR; SOAH Docket No. 582-10-2070.

The above-named matter is scheduled to be considered by the Texas Commission on Environmental Quality (Commission) at its June 2, 2010 public meeting scheduled to begin at 9:30 A.M. On May 25, 2010, Tracy Glenn, attorney for East Texas Precast Co., LTD, requested a continuance of this matter due to a medical procedure for her family member scheduled on June 2, 2010. After confirming with the other attorneys in this matter who represent the Protestants, Office of Public Interest Counsel, and the Executive Director that there is no objection to the requested continuance, I have determined to grant Ms. Glenn's request for continuance. Accordingly, this matter is continued to the Commission's public meeting on **Wednesday, June 16, 2010**, starting at **9:30 a.m.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas 78753.

Furthermore, this letter also concerns the scheduling of oral presentations for the Commission's deliberation and decision on the above-referenced matter and supersedes the letter sent by the Chief Clerk of the Commission dated May 20, 2010. Oral argument time will remain at five minutes for the Applicant, five minutes for the Protestants collectively, five minutes for the Executive Director, and five minutes for the Office of Public Interest Counsel. In addition, although the Applicant bears the burden of proof on the application, the Protestants bear the burden of proof to show that they are affected persons. Since the Protestants bear the burden of proof on affectedness and since the ALJ did not reach the merits of the application, the Protestants will present their case first, following the initial presentation by the Administrative Law Judge. The Protestants will be followed by the Applicant, the Executive Director, and Office of Public Interest Counsel, in that order. The Protestants are entitled to save time for rebuttal. The Applicant will not receive any rebuttal time.

Furthermore, if the Commissioners need additional information, they may ask questions of the parties after oral argument is completed. To reiterate, this matter is continued to the Commission's public meeting on **Wednesday, June 16, 2010**, starting at **9:30 a.m.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas 78753. If you have any questions about this matter, please contact Gregory S. Merrell, Assistant General Counsel, at (512) 239-0669.

Very truly yours,

  
Les Trobman  
General Counsel

Mailing List

Mailing List  
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TCEQ Docket No. 2009-1691-AIR  
SOAH Docket No. 582-10-2070

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