

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 13, 2025

To: Persons on the Attached Mailing List (via email only)

Re: Motions to Overturn filed by the Honorable Ellen Troxclair, Mr. Larry Black, and Ms. Myra Habbit regarding the Executive Director's Issuance of Standard Permit Registration No. 176835 to Asphalt Inc LLC; TCEQ Docket No. 2025-0338-AIR

The Texas Commission on Environmental Quality received three Motions to Overturn (Motions) regarding the Executive Director's issuance of Standard Permit Registration No. 176835 (the Permit) to Asphalt Inc LLC (Applicant). The Motions were filed by the Honorable Ellen Troxclair, Mr. Larry Black, and Ms. Myra Habbit (Movants). On February 14, 2025, the Executive Director mailed notice of her approval of the Permit.

Title 30 of the Texas Administrative Code Chapter 50 authorizes an extension of time for taking action on a Motion to Overturn up to 90 days after notice of the Executive Director's action is mailed. In this case, notice of the decision was mailed on February 14, 2025. This letter serves as the order extending the time for the Commission to act on this Motion until **Friday, May 2, 2025**.

This letter also notifies the Executive Director, Office of Public Interest Counsel, and Applicant that they are encouraged to file response briefs with the Commission's Office of Chief Clerk (OCC) on or before **Friday, March 28, 2025**. The Movants may file a reply brief on or before **Monday, April 7, 2025**.

All responses and replies must be properly filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at <https://www14.tceq.texas.gov/epic/eFiling/>. All response and reply briefs should also be mailed or emailed to all other persons on the attached mailing list on the same day filed in the OCC. To be considered timely, any response or reply brief must be received in the OCC on or before the applicable deadline. All briefs filed with the OCC should be addressed to the attention of the Agenda Docket Clerk and marked with the TCEQ Docket number provided above.

After the Office of General Counsel (OGC) has reviewed the filings, OGC will determine whether to set this matter on a Commission Agenda. If you have any questions about the briefing schedule or related matters, please contact Ron Olson, Assistant General Counsel, at Ron.Olson@TCEQ.Texas.gov.

Respectfully,

A handwritten signature in black ink that reads "Mary Smith".

Mary Smith
General Counsel

Mailing List

Mailing List
Asphalt Inc., LLC
TCEQ Docket No. 2025-0338-AIR

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