#### D-1-GN-17-006632

ENVIRONMENTAL PROTECTION IN	§	IN THE DISTRICT COURT
THE INTEREST OF CALDWELL	8	
COUNTY, JAMES ABSHIER, BYRON	§	
FRIEDRICH, AND TJFA, L.P.,	§	
Plaintiffs,	8	
	8	
v.	§	
	8	TRAVIS COUNTY, TEXAS
TEXAS COMMISSION ON	8	
ENVIRONMENTAL QUALITY,	8	
Defendant,	8	
•	§	
and	8	
	8	
130 ENVIRONMENTAL PARK, LLC,	§	
Intervenor.	8	459TH JUDICIAL DISTRICT

# PLEA IN INTERVENTION OF 130 ENVIRONMENTAL PARK, LLC

#### TO THE HONORABLE JUDGE OF SAID COURT:

130 Environmental Park, LLC intervenes under Rule 60 of the Texas Rules of Civil Procedure, section 37.006(b) of the Civil Practice and Remedies Code, and other applicable law, to protect its interests in this proceeding.

#### I. NATURE OF THE CASE

This is a suit seeking judicial review of the action of the Texas Commission on Environmental Quality, a state agency, in approving the issuance of a permit to 130 Environmental Park, LLC, Permit No. 2383 ("the Permit"), for a new municipal solid waste landfill facility proposed to be located in Caldwell County, Texas.

## II. 130 ENVIRONMENTAL PARK, LLC'S JUSTICIABLE INTEREST

130 Environmental Park, LLC has a justiciable interest in the matters in controversy in this suit in that it is the entity to which TCEQ issued the municipal solid waste landfill facility permit that is the subject of this appeal. As the site operator and permittee designated in the Permit, 130

Environmental Park, LLC intends to develop and operate a new municipal solid waste landfill pursuant to the terms of the Permit. By way of this suit, Plaintiffs seek relief from this Court, including judgment reversing TCEQ's issuance of the Permit and remanding the matter to TCEQ for further proceedings, that would significantly and adversely affect 130 Environmental Park, LLC and its legal rights and privileges as the site operator and permittee under the Permit.

### III. PRAYER

130 Environmental Park, LLC requests that the parties take notice of the filing of this Plea in Intervention and of its intervention as a defendant in this matter, that on final hearing Plaintiffs take nothing by this suit, and that 130 Environmental Park, LLC be granted such other and further relief to which it may be justly entitled.

Respectfully submitted, McELROY, SULLIVAN, MILLER, WEBER, & OLMSTEAD, L.L.P.

By: /s/ Brent W. Ryan
Brent W. Ryan
State Bar No. 17469475
bryan@msmtx.com
P.O. Box 12127

Austin, TX 78711

Telephone: (512) 327-8111

Fax: (512) 327-6566

Attorneys for Intervenor

### **CERTIFICATE OF SERVICE**

I certify that on this the 8th day of January, 2018, a true and correct copy of the foregoing document has been served by electronic service and email to counsel listed below:

Marisa Perales
Eric Allmon
Frederick, Perales, Allmon, & Rockwell, P.C.
1206 San Antonio
Austin, Texas 78701
Tel: 512-469-6000
Fax: 512-482-9346

Fax: 512-482-9346 marisa@lf-lawfirm.com eallmon@lf-lawfirm.com

## **Attorneys for Plaintiffs**

Cynthia Woelk, Assistant Attorney General (cynthia.woelk@oag.texas.gov)
Daniel C. Wiseman, Assistant Attorney General (daniel.wiseman@oag.texas.gov)
Office of the Attorney General
Environmental Protection Division (MC-066)
P.O. Box 12548
Austin, Texas, 78711-2548

Tel: 512-463-2012

Fax: 512-320-0911

**Attorneys for Texas Commission on Environmental Quality** 

/s/ Brent W. Ryan
Brent W. Ryan