

D-1-GN-15-000910

ENVIRONMENTAL PROTECTION IN
THE INTEREST OF CALDWELL
COUNTY and TJFA, L.P.,
Plaintiffs,

V.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY,
Defendant,

and

130 ENVIRONMENTAL PARK, LLC,
Intervenor.

IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

53rd 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 registration to 130 Environmental Park, LLC, Registration No. 40269 (“the Registration”), for a new municipal solid waste management site 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 management site registration that is the subject of this appeal. As the site operator and registrant designated in the

Registration, 130 Environmental Park, LLC intends to develop and operate a new municipal solid waste transfer station pursuant to the terms of the Registration. By way of this suit, Plaintiffs seek relief from this Court, including judgment reversing TCEQ's issuance of the Registration 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 registrant under the Registration.

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, L.L.P.

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CERTIFICATE OF SERVICE

I certify that on this the 27th day of March, 2018, a true and correct copy of the foregoing document has been served by electronic service and email to counsel listed below:

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