

FREDERICK, PERALES, ALLMON & ROCKWELL, P.C.

ATTORNEYS AT LAW
1206 San Antonio Street
Austin, Texas 78701
(512) 469-6000 (512) 482-9346 (facsimile)
Info@LF-LawFirm.com

Of Counsel:
Richard Lowerre

July 23, 2018

The Honorable Lora Livingston
Presiding Judge
261st Judicial District
Travis County District Courthouse
P.O. Box 1748
Austin, Texas 78767

Re: Cause No. D-1-GN-15-000910, *Environmental Protection in the Interest of Caldwell County and TJFA, L.P. v. Texas Commission on Environmental Quality*, in the 53rd Judicial District of Travis County, Texas; and
Cause No. D-1-GN-17-006632, *Environmental Protection in the Interest of Caldwell County, James Abshier, Byron Friedrich, and TJFA, L.P. v. Texas Commission on Environmental Quality*, in the 459th Judicial District of Travis County, Texas.

Dear Judge Livingston:

Pursuant to Travis County District Court Local Rule 10.2, Environmental Protection in the Interest of Caldwell County (“EPICC”), Mr. James Abshier, Mr. Byron Friedrich,¹ and TJFA, L.P., the Plaintiffs in the above-referenced cases, respectfully request that the above-referenced cases be assigned to a particular judge.

Plaintiffs are seeking judicial review, in both cases, of decisions by Defendant Texas Commission on Environmental Quality (the “Commission” or “TCEQ”), granting to 130 Environmental Park, LLC (“130 EP”) two separate municipal solid waste facility authorizations. One authorization, Municipal Solid Waste Registration No. 40269, authorizes the construction and operation of a Type V municipal solid waste transfer station in Caldwell County, Texas. The other, MSW Permit No. 2383, authorizes construction and operation of a solid waste disposal facility in Caldwell County, Texas.

¹ Mr. Abshier and Mr. Friedrich are Plaintiffs in only one of the two above-referenced cases: Cause No. D-1-GN-17-006632. But they are both members of EPICC, which is a Plaintiff in both causes.

The two facilities are proposed to be located in close proximity to each other, and both authorizations were sought by, and granted to, 130 Environmental Park, LLC.

The parties in both cases are essentially the same,² and are represented by the same counsel. Below is a list of the parties and their representatives.

Party	Representative(s)
Environmental Protection in the Interest of Caldwell County, Mr. James Abshier, Mr. Byron Friedrich, and TJFA, L.P. (Plaintiffs)	Marisa Perales State Bar No. 24002750 Eric Allmon State Bar No. 24031819 Frederick, Perales, Allmon & Pockwell, P.C. 1206 San Antonio Austin, Texas 78701 Telephone: 512-469-6000 Facsimile: 512-482-9346
Texas Commission on Environmental Quality (Defendant)	Cynthia Woelk Assistant Attorney General State Bar No. 21836525 Daniel Wiseman Assistant Attorney General State Bar No. 24042178 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

² As indicated above, Mr. Abshier and Mr. Friedrich are Plaintiffs in only one of the two cases, but they are both members of EPICC, which is a Plaintiff in both cases.

130 Environmental Park, LLC. (Intervenor)	Brent W. Ryan State Bar No. 17469475 McElroy, Sullivan, Miller & Weber, L.L.P. P.O. Box 12127 Austin, TX 78711 Tel: (512) 327-8111 Fax: (512) 327-6566
--	---

Because of the similarities in the two above-referenced cases, and in the interest of judicial economy, Plaintiffs respectfully request that the above-referenced cases be assigned to the same judge.

Thank you for your attention to this matter.

Respectfully Submitted,

/s/ Marisa Perales

Marisa Perales

Frederick, Perales,
Allmon & Rockwell, P.C.
1206 San Antonio Street
Austin, Texas 78701
Telephone: 512-469-6000
Facsimile: 512-482-9346
marisa@lf-lawfirm.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

By my signature below, I certify that on this 23rd day of July, 2018, a copy of the foregoing document was served upon the parties identified below via electronic service.

/s/ Marisa Perales

Marisa Perales

**For Texas Commission on
Environmental Quality**

Cynthia Woelk
Daniel Wiseman
Office of the Attorney General
P.O. Box 12548
Austin, TX 78711-2548
Telephone (512) 453-2012
Facsimile (512) 457-4613
Cynthia.woelk@oag.texas.gov
Daniel.wiseman@oag.texas.gov

For 130 Environmental Park, LLC.

Brent W. Ryan
McElroy, Sullivan, Miller & Weber,
L.L.P.
P.O. Box 12127
Austin, TX 78711
Tel: (512) 327-8111
Fax: (512) 327-6566
bryan@msmtx.com