



261ST DISTRICT COURT

LORA J. LIVINGSTON

Judge  
(512) 854-9309

DELAINE J. FOSS

Staff Attorney  
(512) 854-9625

MARY JANE LAWSON

Court Operations Officer  
(512) 854-9337

TRAVIS COUNTY COURTHOUSE

P. O. BOX 1748  
AUSTIN, TEXAS 78767  
FAX (512) 854-9332

RICK VITTITOW

Court Clerk  
(512) 854-9457

LA SONYA THOMAS

Official Court Reporter  
(512) 854-9331

May 26, 2011

Thomas M. Weber  
McElroy, Sullivan & Miller, LLP  
P.O. Box 12127  
Austin, Texas 78711

Pete M. Schenkkan  
Graves, Dougherty, Hearon & Moody  
401 Congress Avenue, Suite 2200  
Austin, Texas 78701

Cynthia Woelk  
Assistant Attorney General  
Environmental Protection Section  
P.O. Box 12548 (MC-018)  
Austin, Texas 78711-2548

Eric Groten  
Vinson & Elkins, LLP  
2801 Via Fortuna, Suite 100  
Austin, Texas 78746

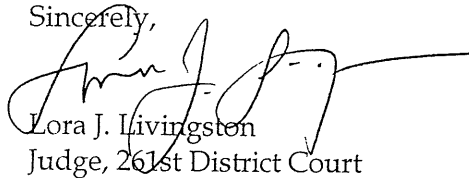
Re: Cause No. D-1-GN-11-000011, *Environmental Defense Fund, Inc. v. Texas Commission on Environmental Quality*, in the 201<sup>st</sup> Judicial District Court of Travis County, Texas

Dear Counsel:

I have considered the pleadings, the evidence and the arguments of counsel, and hereby grant Environmental Defense Fund, Inc.'s Motion for Remand. Since the site plan approved by the Commission is apparently not the site plan White Stallion intends to implement, it is appropriate to provide the Commission with the opportunity to review the site plan White Stallion does intend to implement and to provide the public with an opportunity for review and comment regarding the potential impact of the new site plan. Without remand, meaningful public participation in the permit approval process would be effectively eliminated. Thus, this cause is remanded for further proceedings consistent with the intent expressed herein.

Please prepare an order, circulate it for approval as to form, and submit it for signature at your earliest convenience. If you have any questions, please contact my Staff Attorney, Delaine J. Foss.

Sincerely,

A handwritten signature in black ink, appearing to read "Lora J. Livingston", with a long horizontal flourish extending to the right.

Lora J. Livingston  
Judge, 261st District Court

cc: Ms. Amalia Rodriguez-Mendoza, Travis County District Clerk