

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 10, 2008

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk, MC 105
P. O. Box 13087
Austin, Texas 78711-3087

RE: SOAH Docket No. 582-07-3473; TCEQ Docket No. 2007-0879-UCR;
Executive Director's Correction to Statement made in the Executive Director's Brief on
the Administrative Law Judge's Request to Answer a Certified Question and Amended
Certificate of Service

Dear Ms. Castañuela:

Enclosed please find the Executive Director's Correction to Statement made in the Executive
Director's Brief on the Administrative Law Judge's Request to Answer a Certified Question and
Amended Certificate of Service. Should you have any questions or concerns, please do not
hesitate to contact me at (512) 239-0750.

Sincerely,

A handwritten signature in cursive script that reads "Brian D. MacLeod".

Brian D. MacLeod
Staff Attorney
Environmental Law Division

Enclosure

cc: Mailing list

SOAH Docket No. 582-07-3473
TCEQ Docket No. 2007-0879-UCR

PETITION OF THE FLAGSHIP HOTEL, § BEFORE THE TEXAS COMMISSION
LTD., TO REVIEW CITY OF § ON
GALVESTON'S DENIAL OF A REQUEST §
TO REFUND PAST DUE WATER BILLS § ENVIRONMENTAL QUALITY
§

**THE EXECUTIVE DIRECTOR'S CORRECTION TO STATEMENT MADE IN THE
EXECUTIVE DIRECTOR'S BRIEF ON THE ADMINISTRATIVE LAW JUDGE'S
REQUEST TO ANSWER A CERTIFIED QUESTION AND AMENDED CERTIFICATE
OF SERVICE**

TO THE HONORABLE COMMISSIONERS OF THE TCEQ:

COMES NOW the Executive Director of the Texas Commission on Environmental Quality (TCEQ) and files The Executive Director's Correction to statement made in The Executive Director's Brief on the Administrative Law Judge's (ALJ's) Request to Answer a Certified Question and Amended Certificate of Service.

On page six of the above referenced brief, the following statement is made: "The ED has been unable to find any TCEQ appeal that has ever been transferred to a different Court of Appeals. The Austin Court of Appeals has developed expertise in reviewing administrative decisions and therefore, the Supreme Court would be hard pressed to transfer such a case." That statement is incorrect. Several TCEQ cases have been transferred from the Austin Court of Appeals to other Courts of Appeals. Therefore, the ED is withdrawing the above excerpt from its brief. However, since no appeal regarding the issue in this case began in the Austin Court of Appeals, the thrust of the ED's position is unaffected.

Additionally, the certificate of service attached to the The Executive Director's Brief on the Administrative Law Judge's (ALJ's) Request to Answer a Certified Question erroneously

listed the date of service to be December 18, 2007. That date should have been June 6, 2008.

Therefore an amended certificate of service is attached to this pleading.

Respectfully submitted,

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Robert Martinez, Director
Environmental Law Division

By 

Brian D. MacLeod

Staff Attorney

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CHIEF CLERKS OFFICE

2008 JUN 10 PM 12: 51

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

**AMENDED CERTIFICATE OF SERVICE FOR THE EXECUTIVE DIRECTOR'S
BRIEF ON THE ADMINISTRATIVE LAW JUDGE'S (ALJ'S) REQUEST TO ANSWER
A CERTIFIED QUESTION**

This is to certify that all parties on the Mailing List attached to The Executive Director's Brief on the Administrative Law Judge's (ALJ's) Request to Answer a Certified Question were sent a copy of The Executive Director's Brief on the Administrative Law Judge's (ALJ's) Request to Answer a Certified Question in accordance with TCEQ and SOAH rules on June 6, 2008.



Brian D. MacLeod
Staff Attorney
Environmental Law Division

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 JUN 10 PM 12:51

CHIEF CLERKS OFFICE

**CERTIFICATE OF SERVICE FOR THE EXECUTIVE DIRECTOR'S CORRECTION
TO STATEMENT MADE IN THE EXECUTIVE DIRECTOR'S BRIEF ON THE
ADMINISTRATIVE LAW JUDGE'S REQUEST TO ANSWER A CERTIFIED
QUESTION AND AMENDED CERTIFICATE OF SERVICE**

This is to certify that all parties on the attached Mailing List were sent a copy of The Executive Director's Correction to statement made in The Executive Director's Brief on the Administrative Law Judge's (ALJ's) Request to Answer a Certified Question and Amended Certificate of Service in accordance with TCEQ and SOAH rules on June 10, 2008.



Brian D. MacLeod
Staff Attorney
Environmental Law Division

Mailing List
Flagship Hotel v. City of Galveston
SOAH Docket No. 582-07-3473
TCEQ Docket No. 2007-0879-UCR

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