

Mr. Castleberry's Direct Line: (512) 322-5856
Email: bcastleberry@lglawfirm.com

March 14, 2008

Ms. LaDonna Castañuela
Chief Clerk
Texas Commission on Environmental Quality
Building F, Room 1101
Austin, Texas 78711-3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 MAR 14 PM 3:08
CHIEF CLERKS OFFICE
VIA HAND DELIVERY

Re: In The Matter of an Enforcement Action Against City of Normangee
TCEQ Docket Number 2004-0565-MWD-E
SOAH Docket Number 582-06-0662
Our File No. : 2736-0

Dear Ms. Castañuela

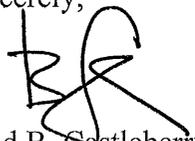
Enclosed please an original and one copy of our Notice of Appearance for the City of Normangee in the above-referenced matter.

Also enclosed please find an original and twelve (12) copies of the Motion for Continuance of this matter which is currently set for Commission Agenda on March 19, 2008.

Please file stamp the copy of the Notice of Appearance and one copy of the Motion for Continuance and return the file stamped copy of each to us.

Should you have any questions, please do not hesitate to contact our office. Thank you for your assistance.

Sincerely,



Brad B. Castleberry

BBC/jg
2736\00\ltr080314bbc
ENCLOSURES

cc: Service List
Hon. J. C. Traylor (with attachment)

SOAH DOCKET NO. 582-06-0662
TCEQ DOCKET NO. 2004-0565-MWD-E

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EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY,
Petitioner

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BEFORE THE

CHIEF CLERKS OFFICE

STATE OFFICE OF

ADMINISTRATIVE HEARINGS

v.

CITY OF NORMANGEE,
Respondent

**NOTICE OF APPEARANCE FOR
THE CITY OF NORMANGEE**

TO: Honorable Cassandra J. Church, Administrative Law Judge, State Office of
Administrative Hearings, P.O. Box 13025, Austin, Texas 78711-3025

Executive Director of the Texas Commission on Environmental Quality, by and through
its attorney of record, Shannon L. Strong, Staff Attorney, P.O. Box 13087 (MC-173),
Austin, Texas 78711-3087

Blas J. Coy, Jr., Office of Public Interest Council of the Texas Commission on
Environmental Quality, P.O. Box 13087 (MC-103), Austin, Texas 78711-3087

Please take notice that the undersigned is entering an appearance on behalf of the
Respondent, the City of Normangee and all future correspondence, pleadings and other
communications should be made through the undersigned at the address provided below.

Respectfully submitted,

**LLOYD GOSSELINK BLEVINS
ROCHELLE & TOWNSEND, P.C.**

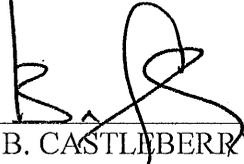
816 Congress Ave., Suite 1900

Austin, Texas 78701

(512) 322-5856

(512) 472-0532 (Fax)

By: _____


BRAD B. CASTLEBERRY
State Bar No. 24036339

**ATTORNEYS FOR THE RESPONDENT,
THE CITY OF NORMANGEE**

CERTIFICATE OF SERVICE

I hereby certify that on this the 14th day of March, 2008, a true and correct copy of the foregoing document was provided by hand delivery, first class mail, or facsimile to the following persons:

Shawn A. Slack, Staff Attorney
Robert Mosley, Staff Attorney
Shannon L. Strong, Staff Attorney
Texas Commission on Environmental Quality
P.O. Box 13087 – (MC 173)
Austin, Texas 78711-3087
512-239-0606 (fax)

Representing the Executive Director of the TCEQ

Blas Coy
Office of Public Interest Counsel (MC-175)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
512-239-6377 (fax)

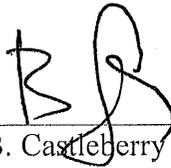
Representing the Office of Public Interest Counsel
of the TCEQ

Ms. LaDonna Castañuela
Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
512-239-3311 (fax)

Office of the Chief Clerk

The Honorable Cassandra J. Church
State Office of Administrative Hearings
300 West Fifteenth St., Room 502
Austin, Texas 78701
512-936-0730 (fax)

State Office of Administrative Hearings



Brad B. Castleberry

CHIEF CLERKS OFFICE

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SOAH DOCKET NO. 582-06-0662
TCEQ DOCKET NO. 2004-0565-MWD-E

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EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY,
Petitioner

v.

CITY OF NORMANGEE
Respondent

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BEFORE THE STATE
OFFICE OF
ADMINISTRATIVE
HEARINGS

CHIEF CLERKS OFFICE

THE CITY OF NORMANGEE'S MOTION FOR CONTINUANCE

COMES NOW, the Respondent, The City of Normangee (the "City"), by and through its undersigned counsel, and files this Motion for Continuance (the "Motion") in the above-referenced matter, and would respectfully show the following:

I. INTRODUCTION

The City is a General Law Type B city in the State of Texas. The City has only 778 residents. On March 13, 2008, undersigned counsel met with and was retained by the City to assist them with all enforcement matters presently pending before the Commission.

II. REQUEST FOR CONTINUANCE

The Motion is filed to request that the pending matter, which is currently scheduled for consideration during Commission agenda on March 19, 2008, be continued for a period of not to exceed ninety (90) days, and that the matter be referred to the TCEQ's ADR Section for assistance in resolving the dispute, which is consistent with the provisions of 30 TEX. ADMIN. CODE § 40.6(a). The City, for the purposes of efficiency and to promote judicial economy, seeks to resolve not only this dispute, but to attempt to negotiate and reach a global settlement of all pending enforcement matters.

III. CONCLUSION

For the reasons set forth herein, and because this continuance is not sought for the purpose of delay, but in the interest of settlement, the City respectfully requests that the above-referenced matter be continued for a period of ninety (90) days. The City further requests any and all other relief that it may be entitled to at this time.

Respectfully submitted,

**LLOYD GOSSELINK BLEVINS
ROCHELLE & TOWNSEND, P.C.**

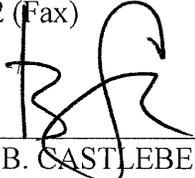
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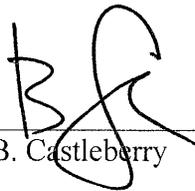

BRAD B. CASTLEBERRY

State Bar No. 24036339

**ATTORNEYS FOR THE RESPONDENT
CITY OF NORMANGEE**

CERTIFICATE OF CONFERENCE

I have conferred with counsel for the Executive Director, who has indicated support for this Motion.

A handwritten signature in black ink, appearing to be 'B. Castleberry', written over a horizontal line.

Brad B. Castleberry

CERTIFICATE OF SERVICE

I hereby certify that on this the 14th day of March, 2008, a true and correct copy of the foregoing was sent via first-class mail, electronic mail, facsimile, or hand-delivery to the following persons:

Shawn A. Slack, Staff Attorney
Robert Mosley, Staff Attorney
Shannon Strong, Staff Attorney
Texas Commission on Environmental Quality
P.O. Box 13087 – (MC 173)
Austin, Texas 78711-3087
512-239-0606 (fax)

Representing the Executive Director of the TCEQ

Blas Coy
Office of Public Interest Counsel (MC-175)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
512-239-6377 (fax)

Representing the Office of Public Interest Counsel
of the TCEQ

Ms. LaDonna Castañuela
Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
512-239-3311 (fax)
Original and 11 copies

Office of the Chief Clerk

The Honorable Cassandra J. Church
State Office of Administrative Hearings
300 West Fifteenth St., Room 502
Austin, Texas 78701
512-936-0730 (fax)

State Office of Administrative Hearings

Kyle Lucas
Texas Commission on Environmental Quality
P.O. Box 13087 – (MC 222)
Austin, Texas 78711-3087
512-239-4015 (fax)

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Brad B. Castleberry