

**SOAH DOCKET NO. 582-08-0523
TCEQ DOCKET NO. 2007-0768-AIR-E**

EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, PETITIONER	§	BEFORE THE
	§	
	§	
	§	
VS.	§	TEXAS COMMISSION
	§	
ADVANTAGE ASPHALT PRODUCTS, LTD. RN104955497, RESPONDENT	§	
	§	
	§	ON ENVIRONMENTAL QUALITY

**EXECUTIVE DIRECTOR'S RESPONSE AND OBJECTION TO THE
RESPONDENT'S SECOND MOTION FOR CONTINUANCE**

The Executive Director ("ED") of the Texas Commission on Environmental Quality files this response and objection to the Respondent's motion for continuance faxed to the ED on June 29, 2011 and filed on June 30, 2011.

This is the second motion for continuance that the Respondent has requested in this matter. The Respondent filed a motion for continuance on May 27, 2011. That request was granted. Additionally, in its May 27, 2011, motion for continuance, the Respondent specifically requested that this matter be set in July 2011. The current setting is July 20, 2011, consistent with the Respondent's May 27, 2011 request.

This case has a long procedural history. The Executive Director objects to an additional continuance of this matter as an unnecessary delay.

Prayer

For these reasons, the ED, respectfully requests that this matter proceed on the July 20, 2011 agenda as scheduled.

Respectfully submitted,

Texas Commission on Environmental Quality

Mark R. Vickery
Executive Director

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services

Kathleen C. Decker, Director
Litigation Division

by

Two handwritten signatures in black ink. The first signature is a stylized cursive 'J' followed by a horizontal line and a small flourish. The second signature is a cursive 'S' followed by a horizontal line and a small flourish.

Jennifer Cook
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CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2011, the foregoing original document and seven (7) copies were filed with the Chief Clerk, additionally the document was electronically filed with the Chief Clerk, Texas Commission on Environmental Quality, Austin, Texas.

I further certify that on this day true and correct copies of the foregoing document were served to the following persons by the method of service indicated:

The Honorable Stephen J. Pacey
State Office of Administrative Hearings
William P. Clements Building
300 West 15th Street, Suite 504
Austin, Texas 78701-1649

Via Facsimile

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Via Electronic Delivery and Hand Delivery



Jennifer Cook