

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
APR 23 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

2009 APR 23 PM 4:47
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

April 23, 2009

The Honorable Kerrie Jo Qualtrough
State Office of Administrative Hearings
300 W. 15th Street, Suite 504
Austin, Texas 78701-1649

Re: Juan Gomez
TCEQ Docket No. 2008-0143-LII-E
SOAH Docket No. 582-09-2075

Judge Qualtrough,

Enclosed please find the Executive Director's Statement Supporting the Proposed Order issued by you in this case on April 3, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read "Barham A. Richard".

Barham A. Richard, Attorney
Litigation Division

cc: Juan Gomez, 5101 Peppertree Parkway, Austin, Texas 78744
Ross Fife, Enforcement Division, TCEQ, MC 128
Blas Coy, Public Interest Counsel, TCEQ, MC 103

2009 APR 23 PM 4: 47

SOAH DOCKET NO. 582-09-2075
TCEQ DOCKET NO. 2008-0143-LII-E

CHIEF CLERKS OFFICE

IN THE MATTER OF
AN ENFORCEMENT ACTION
AGAINST
JUAN GOMEZ;
RN105388342

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**EXECUTIVE DIRECTOR'S STATEMENT SUPPORTING THE ADMINISTRATIVE
LAW JUDGE'S PROPOSED ORDER**

NOW COMES the Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") and hereby files this Statement Supporting the Administrative Law Judge's Proposal for Decision, pursuant to 30 TEX. ADMIN. CODE § 80.257.

The Executive Director agrees with the Administrative Law Judge's ("ALJ") Proposal for Decision and supports the adoption of the ALJ's Proposed Order.

Please be advised that Respondent's attorney, Mr. John T. Johnson, has provided correspondence to the Executive Director's counsel that states that Mr. Johnson has withdrawn from the case and requests that he be removed from the service list of any future correspondence.

Respectfully submitted,

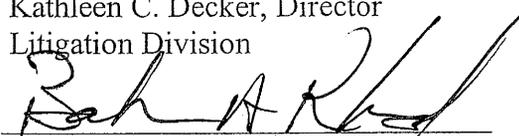
Texas Commission on Environmental Quality

Mark Vickery, PG
Executive Director

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services

Kathleen C. Decker, Director
Litigation Division

by


Barham A. Richard

State Bar of Texas No. 24056201
Litigation Division, MC 175
P.O. Box 13087
Austin, Texas 78711-3087
(512) 239-0107
(512) 239-3434 (FAX)

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of August, 2008, the original and 12 copies of the foregoing "Executive Director's Proposed Modifications to the Administrative Law Judge's Proposed Order" ("Proposed Modifications") were filed with the Chief Clerk, Texas Commission on Environmental Quality, Austin, Texas.

I further certify that on this day a true and correct copy of the foregoing Proposed Modifications were sent to the following:

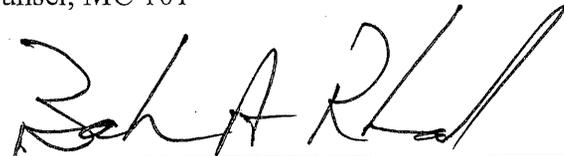
Via Inter-Agency Mail
Via Facsimile to (512) 475-4994
The Honorable Kerrie Jo Qualtrough
State Office of Administrative Hearings
300 W. 15th Street, Suite 504
Austin, Texas 78701-1649

Via First Class Mail, Postage Prepaid
Via Certified Mail, Return Receipt Requested, Article Number 91 7108 2133 3935 2259 9569
Mr. Juan Gomez
5101 Peppertree Parkway
Austin, Texas 78744

Via First Class Mail, Postage Prepaid
Via Certified Mail, Return Receipt Requested, Article Number 91 7108 2133 3935 2259 9576
Mr. John T. Johnson
The Johnson Law Firm
55 Waugh Drive, Suite 505
Houston, Texas 77007

Via Electronic Mail
Blas Coy, TCEQ Public Interest Counsel, MC 103
Les Trobman, TCEQ Office of the General Counsel, MC 101

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Barham A. Richard, Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality