

LAW OFFICE OF

Gonzalo P. Rios, Jr.

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December 30, 2009

LaDonna Castanuela
Chief Clerk
Texas Commission
On Environmental Quality
P. O. Box 13087
Austin, TX 78711-3087
Attn: Melissa Chao

Re: SOAH Docket No. 582-09-2554; TCEQ Docket No. 2008-0952-
MSW-E; Arthur D. Gonzales, Respondent

Dear Chief Clerk:

The captioned matter is set to be considered by the Commission, including the presentation of oral argument, on January 13, 2010.

Enclosed find an original and seven copies of a letter which Respondent asks be presented to the Commission on the occasion of its consideration in lieu of oral argument by Respondent's counsel.

Kindly take the steps necessary to ensure this communication is presented and advise if anything further is needed.

Thank you for your courtesy and assistance.

Sincerely,

Gonzalo P. Rios
Gonzalo P. Rios

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
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CHIEF CLERKS OFFICE

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P. O. Box 13087
Austin, Texas 78711-3087

Re: ;TCEQ DOCKET NO. 2008-0952-MSW-E; Arthur D. Gonzales,
Respondent

To The Honorable Members of The Commission:

Arthur D. Gonzales, Respondent in the above, respectfully declines to incur the expense of appearing in person or through counsel for oral argument on January 13, 2010, the date set for consideration of the above matter.

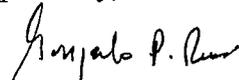
In lieu of appearing, Respondent herewith re-urges those arguments set forth in his written objections to the recommendation of the administrative judge.

In summary, Arthur D. Gonzales bore no culpability in the events which polluted the site in question and he undertook to remediate the land at his own expense without any significant assistance from the Commission while those who benefitted from their own misconduct incur zero consequence from this agency.

Imposition of any administrative penalty upon Respondent defies reason and common sense.

This Commission should decline to impose any proposed penalty.

Respectfully,


Gonzalo P. Rios,
Attorney for Respondent

xc: Richard Barham
Coy Blas

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