

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

February 11, 2011

Les Trobman, General Counsel
Texas Commission on Environmental Quality
P.O. Box 13087
Austin Texas 78711-3087

Re: SOAH Docket No. 582-10-0598; TCEQ Docket No. 2008-1641-PST-E; In Re:
Executive Director of the Texas Commission on Environmental Quality, Petitioner vs.
Odessa Corporation, DBA Signature Mart 2; RN10235760, Respondent

Dear Mr. Trobman:

I have received exceptions from the Executive Director concerning the Proposal for Decision (PFD) issued in this case. These exceptions concern typographical or other technical corrections, and I agree with them.

The Respondent filed a handwritten note, which I accept as his attempt to assert exceptions. It is not clear whether the Commission or the ED received this note, so I have attached a copy. The PFD was based on a motion for summary disposition filed by the ED. In turn, that motion was based on stipulations made by Respondent when the case was called for an evidentiary hearing, as well as additional documentary evidence provided by the ED. Since that time, the Respondent has contended that the facility actually has one less underground storage tank than what he stipulated and what was shown by the ED's documentary evidence. However, the record has been closed at the State Office of Administrative Hearings, and this matter is now before the Commission; therefore, I cannot receive additional evidence on this question as requested by the Respondent.

Please let me know if you need any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Thomas H. Walston".

Thomas H. Walston
Administrative Law Judge

THW:ml
Enclosures
cc: Mailing List

12/23/10

TW

To

HONORABLE

THOMAS H. WALSTON

SUBJECT! SOAH DOCKET # 582-10-0598

DEAR SIR,

ACCORDING TO MY KNOWLEDGE AND COMMUNICATION WITH FUEL TANK INSTALLER THAT WE DO NOT HAVE BTW TANK ON THE PREMISES I WOULD LIKE TO HAVE THE INSPECTION FROM SOME THIRD PARTY AND SURVEY FOR THIS AND PRESENT TO YOU WITH SELF APPEARANCE. PLEASE ALLOW ME SOME TIME TO HAVE THIS DONE AS PER YOUR CONSIDERATION I APPRECIATE YOU MUCH.

~~XXXXXXXXXXXXXXXXXXXX~~ amm. 102.

KAZIM KHAN
SIGNATURE MART
3910 I-20 E
WILLOW PARK TX 76087
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817-594-2170

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AGENCY: Environmental Quality, Texas Commission on (TCEQ)

STYLE/CASE: ODESSA CORP.

SOAH DOCKET NUMBER: 582-10-0598

REFERRING AGENCY CASE: 2008-1641-PST-E

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ WILLIAM G. NEWCHURCH**

REPRESENTATIVE / ADDRESS

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ODESSA CORP. DBA SIGNATURE MART 2

xc: Docket Clerk, State Office of Administrative Hearings