

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 4, 2010

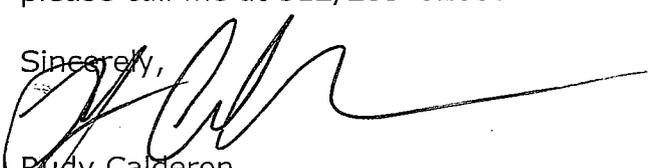
The Honorable Sharon Cloninger
State Office of Administrative Hearings
William P. Clements Building
300 West 15th Street, Suite 502
P.O. Box 13025
Austin, Texas 78711-3025

Re: Executive Director's Response to Respondent's Motion for Continuance
Eun Bok Lee dba Lee's Chevron
RN102380722
TCEQ DOCKET NO. 2009-0052-PST-E

Dear Judge Cloninger:

Enclosed for filing is the "Executive Director's Response to Respondent's Motion for Continuance." Please file stamp this document and return it to Rudy Calderon, Attorney, Litigation Division, MC 175. If you have any questions or comments, please call me at 512/239-0205.

Sincerely,



Rudy Calderon
Attorney
Litigation Division

Enclosures

cc: Ms. LaDonna Castañuela, Chief Clerk
Mr. Rajesh Acharya, Enforcement Division
Ms. Nicole Bealle, Waste Section Manager, Houston Regional Office
Mr. Blas Coy, Jr., Public Interest Counsel
Mr. Les Trobman, General Counsel

**SOAH DOCKET NO. 582-09-5022
TCEQ DOCKET NO. 2009-0052-PST-E**

**IN THE MATTER OF
AN ENFORCEMENT ACTION
AGAINST EUN BOK LEE DBA
LEE'S CHEVRON;
RN102380722**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**EXECUTIVE DIRECTOR'S RESPONSE TO RESPONDENT'S MOTION FOR
CONTINUANCE**

NOW COMES, the Executive Director of the Texas Commission on Environmental Quality ("Executive Director") and files this Response to Eun Bok Lee d/b/a Lee's Chevron's ("Respondent") Motion for Continuance ("Motion") and in support thereof would show the following:

**I.
BACKGROUND**

On March 11, 2010 an evidentiary hearing was held at the State Office of Administrative Hearings before Administrative Law Judge Sharon Cloninger. Judge Cloninger submitted her Proposal For Decision and the Executive Director timely filed his exceptions. The matter was set for consideration by the Commission on August 11, 2010. On August 3, 2010, Respondent filed a Motion for Continuance.

**II.
Response**

The Executive Director is prepared to be present at the Commission's August 11, 2010 Agenda and is interested in a timely resolution of this matter. Therefore, the Executive Director opposes the Respondent's Motion and requests the matter be considered on the Commission's August 11, 2010 Agenda.

The Respondent, according to his Motion, is returning to the United States in August. Therefore, should the Commission decide to continue the matter, the Executive Director alternatively requests that the matter be continued to an Agenda date in September 2010.

Respectfully Submitted,

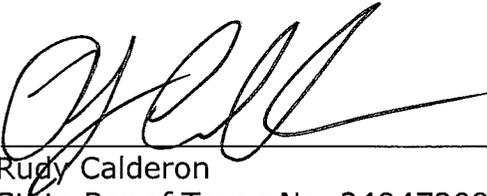
Texas Commission on Environmental Quality

Mark R. Vickery, P.G.
Executive Director

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services

Kathleen C. Decker, Director
Litigation Division

By:



Rudy Calderon
State Bar of Texas No. 24047209
Litigation Division, MC 175
P.O. Box 13087
Austin, Texas 78711-3087
Telephone: (512) 239-0205
Facsimile: (512) 239-3434

CERTIFICATE OF SERVICE

I hereby certify on this 4th day of August, 2010, the original and foregoing "Executive Director's Response to Respondent's Motion for Continuance" ("Motion") was filed with the Chief Clerk of the Texas Commission on Environmental Quality, Austin, Texas.

I further certify that on this day, a true and correct copy of the foregoing Motion was sent in the manner prescribed below:

Eun Bok Lee, Owner
Lee's Chevron
10101 Long Point Road
Houston, Texas 77043

Certified Mail RRR Article No. [**7009
1680 0002 2322 7021**] to:
10101 Long Point Road
Houston, Texas 77043

The Honorable Sharon Cloninger
State Office of Administrative Hearings
William P. Clements Building
300 West 15th Street, Suite 502
P.O. Box 13025
Austin, Texas 78711-3025

Via Interagency Mail and Facsimile to:
(512) 475-4994

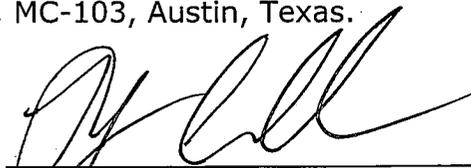
Blas Coy
Office of the Public Interest Counsel
Texas Commission on Environmental
Quality
Mail Code 103

Via Electronic Delivery

Les Trobman
Office of the General Counsel
Texas Commission on Environmental
Quality
Mail Code 101

Via Electronic Delivery

I further certify that on this day a true and correct copy of the foregoing Motion was electronically delivered to Mr. Blas Coy, Public Interest Counsel, Texas Commission on Environmental Quality, MC-103, Austin, Texas.



Rudy Calderon
Attorney
Litigation Division
Texas Commission on Environmental Quality