

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

July 20, 2011

Via Electronic Filing

The Honorable Travis Vickery
State Office of Administrative Hearings
William P. Clements Building
300 West 15th Street, Room 504
Austin, Texas 78701

Re: Rodolfo Esparza
SOAH Docket No. 582-11-0872
TCEQ Docket No. 2010-0244-MLM-E

Dear Judge Vickery:

Please find enclosed the Executive Director's Motion to Extend the Deadline to File Exceptions or Briefs to the Administrative Law Judge's Proposal for Decision and Proposed Order and Motion to Extend the Deadline to File Replies to Exceptions or Briefs for the above-referenced case.

Sincerely,

A handwritten signature in black ink that reads "Kari L. Gilbreth".

Kari L. Gilbreth
Attorney
Litigation Division

cc: Melissa Chao, Acting Chief Clerk, TCEQ
Elvia Maske, Enforcement Division, TCEQ
Blas Coy, Public Interest Counsel, TCEQ
Rodolfo Esparza, P.O. Box 1383, Clint, Texas 79836, Via First Class Mail and Via Certified Mail, Return Receipt Requested No. 7011 0470 0000 2420 7874

**SOAH DOCKET NO. 582-11-0872
TCEQ DOCKET NO. 2010-0244-MLM-E**

**EXECUTIVE DIRECTOR OF THE TEXAS
COMMISSION ON ENVIRONMENTAL
QUALITY, Petitioner**

v.

**RODOLFO ESPARZA,
Respondent**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**EXECUTIVE DIRECTOR'S MOTION TO EXTEND THE DEADLINE
TO FILE EXCEPTIONS OR BRIEFS TO THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL
FOR DECISION AND PROPOSED ORDER AND MOTION TO EXTEND THE DEADLINE TO
FILE REPLIES TO EXCEPTIONS OR BRIEFS**

NOW COMES the Executive Director of the Texas Commission on Environmental Quality ("ED"), by and through his attorney, Kari L. Gilbreth, and makes the following Motion to Extend the Deadline to File Exceptions or Briefs to the Administrative Law Judge's Proposal for Decision and Proposed Order and Motion to Extend the Deadline to File Replies to Exceptions or Briefs ("Motion"), pursuant to 30 TEX. ADMIN. CODE § 80.257. In support thereof, the ED would show the following:

1. On June 14, 2011, the Honorable Administrative Law Judge ("ALJ") issued his Proposal for Decision ("PFD") and Proposed Order ("Order") in the enforcement case filed by the ED against Rodolfo Esparza ("Respondent"). The deadline to file exceptions or briefs to the PFD and Order was July 5, 2011 and the deadline to file replies to the exceptions or briefs was July 15, 2011.
2. The ED's counsel filed his exceptions with the TCEQ Chief Clerk's Office and mailed a copy to Respondent on July 15, 2011.
3. On July 18, 2011, the ED was notified by the Office of General Counsel that exceptions were due on July 5, 2011. ED's counsel erroneously thought the deadline for exceptions and briefs was July 15, 2011.
4. The ED left a telephone message for Respondent on July 19, 2011 and spoke with Respondent on July 20, 2011. The ED asked Respondent if he would object to extending the deadline to file exceptions or briefs to the PFD and Order to July 29, 2011. Further, the ED asked Respondent if he was agreeable to extending the deadline to file replies to exceptions or briefs to August 8, 2011. Respondent stated he would not oppose extending either of the deadlines.
5. Counsel for the ED conferred with the Office of Public Interest Counsel ("OPIC") on this matter, and OPIC does not object to this Motion.

ACCORDINGLY, the ED respectfully requests an extension of time for the parties to file exceptions or briefs and replies to exceptions or briefs as outlined above, or on a schedule as determined by the Commission.

Executive Director's Motion to Extend the Deadline to File Exceptions or Briefs to the Administrative Law Judge's Proposal for Decision and Proposed Order and Motion to Extend the Deadline to File Replies to Exceptions or Briefs
Rodolfo Esparza
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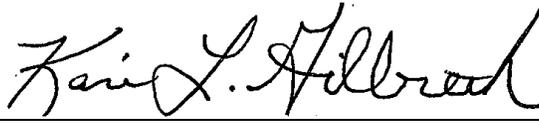
Respectfully Submitted,

Texas Commission on Environmental Quality

Mark R. Vickery, P.G.
Executive Director

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services

Kathleen C. Decker, Division Director
Litigation Division

by 

Kari L. Gilbreth
State Bar of Texas No. 24040969
Litigation Division, MC 175
P.O. Box 13087
Austin, TX 78711
(512) 239-1320
(512) 239-3434 (FAX)

CERTIFICATE OF SERVICE

I hereby certify on this 20th day of July, 2011, the original of the foregoing "Executive Director's Motion to Extend the Deadline to File Exceptions or Briefs to the Administrative Law Judge's Proposal for Decision and Proposed Order and Motion to Extend the Deadline to File Replies to Exceptions or Briefs" ("Motion") was filed with the Acting 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 by the following methods indicated:

Via Electronic Filing
The Honorable Travis Vickery
State Office of Administrative Hearings
William P. Clements Building
300 West 15th Street, Room 504
Austin, Texas 78701

Via First Class Mail and
Via Certified Mail, Return Receipt Requested, Article No. 7011 0470 0000 2420 7874
Rodolfo Esparza
P.O. Box 1383
Clint, Texas 79836

I further certify that on this day a true and correct copy of the foregoing Motion was electronically submitted to the Office of the Public Interest Counsel, Texas Commission on Environmental Quality, Austin, Texas.



Kari L. Gilbreth
Attorney
Litigation Division
Texas Commission on Environmental Quality

SERVICE LIST

Rodolfo Esparza
SOAH Docket No. 582-11-0872
TCEQ Docket No. 2010-0244-MLM-E

The Honorable Travis Vickery
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Respondent

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