

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

October 17, 2007

TO: All Persons on Mailing List

RE: **SOAH Docket No. 582-06-2407; TCEQ Docket No. 2005-1582-IHW-E**; In the matter of an Enforcement Action against **Joe Boy Johnson**.

The above-referenced matter is scheduled to be considered by the Texas Commission on Environmental Quality on **November 7, 2007 at 1:00 P.M.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas.

Pursuant to 30 TAC § 80.263, oral presentations before the commission shall be limited to five minutes each, excluding time for answering questions, unless the chairman or general counsel establishes other limitations.

Should you need any additional information, please contact Paul Munguía at the Texas Commission on Environmental Quality, Office of the Chief Clerk, (512) 239-3300.

Sincerely,

A handwritten signature in cursive script, appearing to read "LaDonna Castañuela".

LaDonna Castañuela
Chief Clerk

LDC/pm

MAILING LIST
JOE BOY JOHNSON
SOAH DOCKET NO. 582-06-2407
TCEQ DOCKET NO. 2005-1582-IHW-E

Joe Boy Johnson, Owner
Rt. 1 Box 134
Brady, Texas 76825
Tel: (325) 286-4696
Fax: (325) 597-0606

Representing the Respondent

Lena Roberts, Staff Attorney
Texas Commission on Environmental Quality
Legal Division, MC-175
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3400
Fax: (512) 239-3434

Representing the Executive Director of the
TCEQ

Blas Coy, Jr.
Texas Commission on Environmental Quality
Office Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-6363
Fax: (512) 239-6377

Representing the Office of Public Interest
Counsel of the TCEQ

Thomas H. Walston, Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th Street, Ste. 502
Austin, Texas 78701
Tel: (512) 475-4993
Fax: (512) 475-4994

Docket Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
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Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 FEB 20 PM 4:31

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHIEF CLERKS OFFICE

Protecting Texas by Reducing and Preventing Pollution

February 20, 2007

To: Persons on the Attached Mailing List (by mail and fax as indicated)

Re: Application of Joe Boy Johnson consideration of a Proposal for Decision and order in McCulloch County; TCEQ Docket No. 2005-1582-IHW-E; SOAH Docket No. 582-06-2407.

The above-named matter is currently scheduled to be considered by the Texas Commission on Environmental Quality (Commission) at its February 21, 2007, public meeting. However, on February 19, 2007, Blas Coy, on behalf of the Public Interest Counsel, requested a continuance to allow for additional time for discussion between the parties and to provide the Executive Director time to adequately review Mr. Johnson's proposal. Therefore, this matter is hereby continued to the Commission's agenda scheduled for **Wednesday, March 28, 2007**, beginning at **1:00 P.M.**, pursuant to the Commission's Resolution issued on August 14, 2006. The meeting will take place in Room 201S of Bldg. E, 12118 N. Interstate 35, Austin, Texas.

If you have any questions about this matter, please contact me at 512/239-5525.

Respectfully,

A handwritten signature in black ink that reads "Derek Seal".

Derek Seal
General Counsel

Mailing List

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MAILING LIST
JOE BOY JOHNSON
SOAH DOCKET NO. 582-06-2407
TCEQ DOCKET NO. 2005-1582-IHW-E

Joe Boy Johnson
Rt. 1 Box 134
Brady, Texas 76825
325/286-4696 FAX: 325/597-0606

Mark Curnutt
TCEQ Legal Division MC 175
P.O. Box 13087
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512/239-3400 FAX: 512/239-3434

The Honorable Thomas H. Walston
SOAH Administrative Law Judge
300 W. 15th Street, Suite 502
Austin, Texas 78701
512/475-4993 FAX: 512/475-4994

Docket Clerk
TCEQ Chief Clerks Office MC 105
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512/239-3300 FAX: 512/239-3311

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 19, 2007

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk (MC-105)
P.O. Box 13087
Austin, Texas 78711-3087

CHIEF CLERKS OFFICE

2007 FEB 19 PM 4:07

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: **JOE BOY JOHNSON**
SOAH DOCKET NO. 582-06-2407; TCEQ DOCKET NO. 2005-1582-IHW-E

Dear Ms. Castañuela:

Enclosed for filing is the Public Interest Counsel's Agreed Motion for Continuance in the above-entitled matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Blas J. Coy, Jr.", written over a large, stylized "B".

Blas J. Coy, Jr.
Public Interest Counsel

cc: Mailing List

Enclosure

TCEQ DOCKET NO. 2005-1582-IHW-E
SOAH DOCKET NO. 582-06-2407

2007 FEB 19 5:04:07

EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY,
PETITIONER

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VS.

JOE BOY JOHNSON,
RESPONDENT

CHIEF CLERKS OFFICE

BEFORE THE
TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY

**THE OFFICE OF PUBLIC INTEREST COUNSEL'S
AGREED MOTION FOR CONTINUANCE**

TO THE COMMISSION ON ENVIRONMENTAL QUALITY:

The Office of Public Interest Counsel (OPIC) of the Texas Commission on Environmental Quality (Commission or TCEQ) files this Agreed Motion for Continuance in the above-referenced matter.

This enforcement case came before the Commission on January 24, 2007 for consideration of a Proposal for Decision and Order assessing administrative penalties and requiring certain actions of the Respondent Joe Boy Johnson. After hearing the arguments of the parties the Commission continued the matter to February 21, 2007 to allow the executive director's staff and the respondent time to discuss the respondent's proposal for corrective action. The Commission also directed this office to provide appropriate assistance to the parties.

Respondent submitted a written proposal to the Executive Director on February 16, 2007, which is currently under review by staff. Due to the shortness of time, the parties agree that the review will not be completed prior to the February 21, 2007 Agenda setting of the case. Although staff and the Respondent have been in discussion regarding

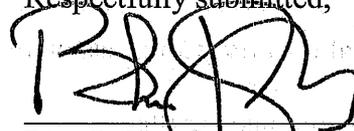
details of the proposal, additional time is requested in order to meet with Mr. Johnson and to more fully address certain issues in the plan.

Therefore, this Office, the Executive Director and the Respondent respectfully request that the Commission continue the case for Thirty (30) Days from the February 21, 2007 agenda setting to the next available agenda to allow additional time for discussion between the parties and to provide the Executive Director time to adequately review Mr. Johnson's proposal.

I have conferred with the Respondent, Mr. Johnson and Counsel for the TCEQ's Executive Director, who are in agreement with and join this request for continuance.

This continuance is not sought for delay but that justice may be done.

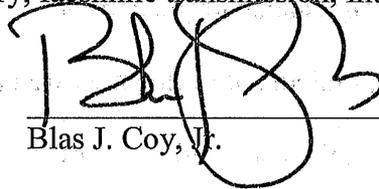
Respectfully submitted,



Blas J. Coy, Jr.
Public Interest Counsel, TCEQ
P.O. Box 13087 - MC 103
Austin, Texas 78711
(512)239-6363 PHONE
(512)239-6377 FAX

CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2007 the original and eleven true and correct copies of the Office of Public Interest Counsel's Agreed Motion for Continuance were served upon the Chief Clerk of the TCEQ and a true and correct copy on all persons listed on the attached Mailing List via hand delivery, facsimile transmission, Inter-Agency Mail or by deposit in the U.S. Mail.



Blas J. Coy, Jr.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 FEB 19 PM 4:07

CHIEF CLERK'S OFFICE

MAILING LIST
JOE BOY JOHNSON
SOAH DOCKET NO. 582-06-2407
TCEQ DOCKET NO. 2005-1582-IHW-E

Joe Boy Johnson, Owner
Rt. 1 Box 134
Brady, Texas 76825
Tel: (325) 286-4696
Fax: (325) 597-0606

Representing the Respondent

Mark Curnutt, Staff Attorney
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Legal Division, MC-175
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Austin, Texas 78711-3087
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Representing the Executive Director of the
TCEQ

The Honorable Thomas H. Walston
Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th Street, Ste. 502
Austin, Texas 78701
Tel: (512) 475-4993
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Office of the Chief Clerk, MC-105
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Kathleen Hartnett White, *Chairman*
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Martin A. Hubert, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 12, 2007

TO: All Persons on Mailing List

RE: **SOAH Docket No. 582-06-2407; TCEQ Docket No. 2005-1582-IHW-E;** In the matter of an Enforcement Action against **Joe Boy Johnson.**

The above-referenced matter is scheduled to be considered by the Texas Commission on Environmental Quality on **January 24, 2007** at **1:00 P.M.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas.

Pursuant to 30 TAC § 80.263, oral presentations before the commission shall be limited to five minutes each, excluding time for answering questions, unless the chairman or general counsel establishes other limitations.

Should you need any additional information, please contact Paul Munguía at the Texas Commission on Environmental Quality, Office of the Chief Clerk, (512) 239-3300.

Sincerely,

A handwritten signature in cursive script, appearing to read "LaDonna Castañuela".

LaDonna Castañuela
Chief Clerk

LDC/pm

MAILING LIST
SOAH DOCKET NO. 582-06-2407
TCEQ DOCKET NO. 2005-1582-IHW-E

Joe Boy Johnson, Owner
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Brady, Texas 76825
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Tel: (325) 456-6181
Fax: (325) 597-0606

Representing the Respondent

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Representing the Office of Public Interest
Counsel of the TCEQ

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Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 7, 2006

TO: SEE SERVICE LIST

RE: Opportunity to Comment on the State Office of Administrative Hearings Proposal for Decision and Order regarding **Joe Boy Johnson, SOAH Docket No. 582-06-2407; TCEQ Docket No. 2005-1582-IHW-E**

Please be informed that the following notice will be published in the *Texas Register* for a 30-day comment period:

The State Office of Administrative Hearings issued a Proposal for Decision and Order to the Texas Commission on Environmental Quality on December 1, 2006, in the matter of the **Executive Director of the Texas Commission on Environmental Quality, Petitioner v. Joe Boy Johnson; SOAH Docket No. 582-06-2407; TCEQ Docket No. 2005-1582-IHW-E**. The commission will consider the Administrative Law Judge's Proposal for Decision and Order regarding the enforcement action against Joe Boy Johnson on a date and time to be determined by the Office of the Chief Clerk in Room 201S of Building E, 12100 N. Interstate 35, Austin, Texas. This posting is Notice of Opportunity to Comment on the Proposal for Decision and Order. The comment period will end 30 days from date of this publication. Written public comments should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. If you have any questions or need assistance, please contact Paul Munguía, Office of the Chief Clerk, (512) 239-3300.

This notice will be published in the *Texas Register* on **December 15, 2006**. Written public comments should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. Should you have any questions, please call Paul Munguía or me at (512) 239-3300.

Sincerely,

A handwritten signature in cursive script, appearing to read "LaDonna Castañuela".

LaDonna Castañuela
Chief Clerk

LDC/pm

MAILING LIST
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TCEQ DOCKET NO. 2005-1582-IHW-E

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