

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 29, 2009

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

CHIEF CLERKS OFFICE

2009 JAN 29 PM 4:16

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: Executive Director's Exceptions to the ALJ's Proposal for Decision
Tanvir A. Malik dba Malik Exxon
Enforcement ID No. 27323; RN102264157; TCEQ Docket No. 2005-1953-PST-E

Dear Ms. Castañuela:

Enclosed for filing are the originals of 1) the Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision and 2) the Executive Director's Proposed Order to Supplement the Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision.

Enclosed please also find one copy of this letter to you, one copy of the Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision, one copy of the Executive Director's Proposed Order to Supplement the Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision, and one copy of the letter to the Respondent. Please file stamp these documents and return them to Dinniah M. Chahin, Attorney, Litigation Division, MC 175. If you have any questions or comments, please call me at (512) 239-0617.

Sincerely,

A handwritten signature in cursive script that reads "Dinniah M. Chahin".

Dinniah M. Chahin
Attorney
Litigation Division

Enclosures

cc: Mr. Tanvir A. Malik, 203 West Camp Wisdom Road, Duncanville, Texas 75116
Mr. Tanvir A. Malik, 1710 Kings Borough Drive, Arlington, Texas 76015
John Shelton, Enforcement Division, TCEQ, MC 128
Sam Barrett, Waste Section Manager, TCEQ, MC R-4
Blas Coy, Public Interest Counsel, TCEQ, MC 103

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 29, 2009

Via Interagency Mail

Via Facsimile (512) 475-4994

The Honorable Penny A. Wilkov
State Office of Administrative Hearings
William P. Clements Building
300 West 15th Street, Suite 502
Austin, Texas 78701

Re: The Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision and The Executive Director's Proposed Order to Supplement the Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision;
Tanvir Malik dba Malik Exxon; Enforcement ID No. 27323
RN102264157; SOAH Docket No. 582-07-3621; TCEQ Docket No. 2005-1953-PST-E

To The Honorable Judge Wilkov:

Please find enclosed a copy of 1) the Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision and 2) the Executive Director's Proposed Order to Supplement the Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision. These pleadings are being filed in response to your Proposal for Decision signed on January 9, 2009. If you have any questions or comments, please call me at (512) 239-0617.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dinniah M. Chahin".

Dinniah M. Chahin
Attorney
Litigation Division

Enclosures

cc: Office of the Chief Clerk, MC 105
Mr. Tanvir A. Malik, 203 West Camp Wisdom Road, Duncanville, Texas 75116
Mr. Tanvir A. Malik, 1710 Kings Borough Drive, Arlington, Texas 76015

SOAH DOCKET NO. 582-07-3621
TCEQ DOCKET NO. 2005-1953-PST-E

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 JAN 29 PM 4:17

EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY,
PETITIONER

BEFORE THE

CHIEF CLERKS OFFICE

VS.

STATE OFFICE OF

TANVIR A. MALIK DBA MALIK
EXXON,
RESPONDENT

§
§
§
§
§
§
§
§
§
§
§
§

ADMINISTRATIVE HEARINGS

THE EXECUTIVE DIRECTOR'S EXCEPTIONS TO THE ADMINISTRATIVE LAW
JUDGE'S PROPOSAL FOR DECISION

TO THE HONORABLE JUDGE WILKOV:

COMES NOW the Executive Director of the Texas Commission on Environmental Quality ("TCEQ" or "Commission"), represented by the Litigation Division, and files these Exceptions to the Administrative Law Judge's Proposal for Decision. In support thereof, the Executive Director would show the following:

I. PROPOSED ORDER

The Executive Director ("ED") respectfully requests that the ALJ make the following revisions to the Proposed Order:

STYLE

The Executive Director respectfully requests that the style be changed to include language ordering corrective actions by Tanvir A. Malik dba Malik Exxon in addition to assessing administrative penalties. Currently the style of the Order reads, "ORDER Assessing Administrative Penalties Against TANVIR A. MALIK D/B/A MALIK EXXON". The style should be changed to read, "ORDER Assessing Administrative Penalties Against and Ordering Corrective Actions by TANVIR A. MALIK D/B/A MALIK EXXON".

INTRODUCTION

The Executive Director respectfully requests that the first sentence of the Order be changed to show that the TCEQ considered the Executive Director's First Amended Report and Petition. Currently the first sentence reads, "On _____, the Texas Commission on Environmental Quality (Commission or TCEQ) considered the Executive Director's Report and Petition (EDPRP) recommending that the Commission enter an enforcement order assessing administrative penalties against and requiring certain corrective actions of Tanvir A. Malik (Respondent), d/b/a Malik Exxon." The sentence should be changed and revised to reflect consideration of the first amended report and petition, "On _____, the Texas Commission on Environmental Quality (Commission or TCEQ) considered the Executive Director's First Amended Report and Petition (EDFARP) recommending that the Commission enter an enforcement order assessing administrative penalties against and requiring certain corrective actions of Tanvir A. Malik (Respondent), d/b/a Malik Exxon."

The Executive Director respectfully requests that the second sentence of the Order be changed to state that the hearing was conducted on July 29, 2008 instead of July 28, 2008. Currently the sentence reads, "Penny A. Wilkov, an Administrative Law Judge (ALJ) with the State Office of Administrative Hearings (SOAH), conducted a public hearing on this matter on July 28, 2008, in Austin, Texas, and presented the Proposal for Decision." The sentence should be changed and revised to reflect the underlined date change, "Penny A. Wilkov, an Administrative Law Judge (ALJ) with the State Office of Administrative Hearings (SOAH), conducted a public hearing on this matter on July 29, 2008, in Austin, Texas, and presented the Proposal for Decision."

NEW FINDINGS OF FACT NO. 10

The Executive Director respectfully requests that a new Findings of Fact No. 10 be included to state when the Executive Director filed the first amended report and petition. The new Findings of Fact No. 10 should be included and should read, "On August 28, 2007, the Executive Director filed the first amended report and petition (EDFARP), in accordance with TEX. WATER CODE § 7.054, and mailed a copy of the EDFARP to Respondent." The subsequent findings of fact should also be re-numbered accordingly.

FORMER FINDINGS OF FACT NO. 10

The Executive Director respectfully requests that Findings of Fact No. 10 (new Findings of Fact No. 11) be revised and changed to list the EDFARP total penalty and violations. Currently, the sentence reads, "In the EDPRP, the ED proposed that the Commission require corrective actions and levy a total penalty of \$17,500.00 for the violations as follows:". The sentence should be revised to

read, "In the EDFARP, the ED proposed that the Commission require corrective actions and levy a total penalty of \$17,500.00 for the violations as follows:".

FINDINGS OF FACT NO. 14

The Executive Director respectfully requests that Findings of Fact No. 14 be revised to state that the hearing was convened on July 29, 2008 instead of July 28, 2008. Currently the sentence reads, "The hearing was convened on July 28, 2008, by ALJ Penny A. Wilkov at the hearing facilities of the State Office of Administrative Hearings (SOAH)." The sentence should be changed to read, "The hearing was convened on July 29, 2008, by ALJ Penny A. Wilkov at the hearing facilities of the State Office of Administrative Hearings (SOAH)."

FINDINGS OF FACT NO. 16

The Executive Director respectfully requests that Findings of Fact No. 16 be revised to change the spelling of the Executive Director attorney's last name. Currently, the sentence reads, "The ED appeared at the hearing through his attorney, Dinniah M. Chain." The sentence should be changed and revised to reflect the underlined spelling of the Executive Director attorney's last name, "The ED appeared at the hearing through his attorney, Dinniah M. Chahin."

CONCLUSIONS OF LAW NO. 16

The Executive Director respectfully requests that Conclusions of Law No. 16 be revised to state that the Respondent should be required to take the corrective measures recommended by the ED in the EDFARP. Currently, the sentence reads, "Based on consideration of the above Findings of Fact and Conclusions of Law, the Respondent should be required to take the corrective action measures recommended by the ED in the EDPRP." The sentence should be revised and changed to read, "Based on consideration of the above Findings of Fact and Conclusions of Law, the Respondent should be required to take the corrective action measures recommended by the ED in the EDFARP."

ORDERING PROVISIONS NO. 1

The Executive Director respectfully requests that the second sentence of the Ordering Provisions No. 1 be revised to correct a typographical error. Currently, the sentence reads, "The payment of the administrative penalty set out herein will completely resolves the violations set forth by this Order." The sentences should be revised and changed to read, "The payment of the administrative penalty set out herein will completely resolve the violations set forth by this Order."

ORDERING PROVISIONS NO. 7

The Executive Director respectfully requests that Ordering Provisions No. 7 be revised to delete the extra section symbol preceding the citation to the Texas Administrative Code. The sentence currently reads, "The effective date of this Order is the date the Order is final, as provided by § 30 TEX. ADMIN. CODE § 80.273 and TEX. GOV'T CODE ANN. § 2001.144." The sentence should be revised and changed to read, "The effective date of this Order is the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 80.273 and TEX. GOV'T CODE ANN. § 2001.144."

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: 
Dinniah M. Chahin

State Bar of Texas No. 24050400
Litigation Division, MC 175
P.O. Box 13087
Austin, Texas 78711-3087
Telephone: (512) 239-3400
Fax: (512) 239-3434

CERTIFICATE OF SERVICE

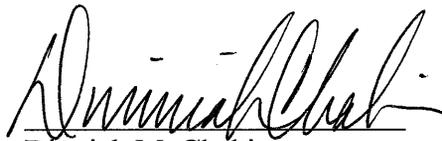
I hereby certify that on this 29th day of January, 2009, the original and seven (7) copies of the foregoing Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision ("Exceptions") was filed with the Chief Clerk, Texas Commission on Environmental Quality, Austin, Texas.

I further certify that on this day a true and correct copy of the foregoing Exceptions was mailed via Certified Mail, return receipt requested (**Article No. 9171082133393520304288**), and via First Class Mail, postage prepaid, to Tanvir A. Malik dba Malik Exxon, 203 West Camp Wisdom Road, Duncanville, Texas 75116

I further certify that on this day a true and correct copy of the foregoing Exceptions was mailed via Certified Mail, return receipt requested (**Article No. 9171082133393520304295**), and via First Class Mail, postage prepaid, to Tanvir A. Malik dba Malik Exxon, 1710 Kings Borough Drive, Arlington, Texas 76015

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

I further certify that on this day a true and correct copy of the foregoing Exceptions was sent via fax to 512/475-4994 and mailed via inter agency mail, to The Honorable Penny A. Wilkov, Administrative Law Judge, State Office of Administrative Hearings, William P. Clements Building, 300 West 15th Street, Suite 502, Austin, Texas 78701



Dinniah M. Chahin
Attorney
Litigation Division
Texas Commission on Environmental Quality

CHIEF CLERKS OFFICE

2009 JAN 29 PM 4:17

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



ORDER

**Assessing Administrative Penalties Against and Ordering Corrective Action by
TANVIR A. MALIK,
D/B/A MALIK EXXON
SOAH DOCKET NO. 582-07-3621
TCEQ DOCKET NO. 2005-1953-PST-E**

On _____, the Texas Commission on Environmental Quality (Commission or TCEQ) considered the Executive Director's First Amended Report and Petition (EDFARP) recommending that the Commission enter an enforcement order assessing administrative penalties against and requiring certain corrective actions of Tanvir A. Malik (Respondent), d/b/a Malik Exxon. Penny A. Wilkov, an Administrative Law Judge (ALJ) with the State Office of Administrative Hearings (SOAH), conducted a public hearing on this matter on July 29, 2008, in Austin, Texas, and presented the Proposal for Decision.

The Executive Director (ED) was represented by Staff Attorney Dinniah M. Chahin and Respondent appeared *pro se* at the hearing.

After considering the ALJ's PFD, the Commission adopts the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. At the time of the alleged violations, Respondent owned and operated an Exxon convenience store and gasoline pump island (Station) located at 203 West Camp Wisdom Road, Duncanville, Dallas County, Texas.
2. The Station has two underground storage tanks (USTs) that were installed in June 1999.
3. The USTs are not exempt or excluded from regulation under the Texas Water Code or the Commission's rules.
4. On October 19, 2005, Paddi Farmer, a TCEQ Environmental Investigator, conducted an investigation of the Station to determine whether Respondent was complying with statutes within the Commission's jurisdiction and rules adopted thereunder.
5. As documented in the TCEQ investigation on October 19, 2005, Respondent failed to maintain all components of the Stage II vapor recovery system in proper operating condition as required by 30 TEX. ADMIN. CODE § 115.242(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As documented in the TCEQ investigation on October 19, 2005, Respondent failed to verify proper operation of the Stage II equipment at least once every 12 months as required by 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. As documented in the TCEQ investigation on October 19, 2005, Respondent failed to conduct effective manual or automatic inventory control procedures for the UST system in violation of 30 TEX. ADMIN. CODE § 334.48(c).
8. As documented in the TCEQ investigation on October 19, 2005, Respondent failed to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35

days between each monitoring), failed to provide proper release detection for the piping associated with the UST system, and failed to test the line leak detectors at least once per year for performance and operational reliability as required 30 TEX. ADMIN. CODE §§ 334.50(b)(1)(A), 334.50(b)(2), and 334.50 (b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a) and 26.3475(c)(1).

9. On February 2, 2007, the Executive Director filed the preliminary report and petition (EDPRP), in accordance with TEX. WATER CODE § 7.054, and mailed a copy of the EDPRP to Respondent.
10. On August 28, 2007, the Executive Director filed the first amended report and petition (EDFARP), in accordance with TEX. WATER CODE § 7.054, and mailed a copy of the EDFARP to Respondent.
11. In the EDFARP, the ED proposed that the Commission require corrective actions and levy a total penalty of \$17,500.00 for the violations as follows:

Violation	Release Harm	Penalty
Failure to maintain all components of Stage II vapor recovery system in proper operating condition.	Potential for moderate harm to the environment or human health.	\$2,500.00
Failure to verify proper operation of the Stage II equipment at least once every 12 months.	Potential for major harm to the environment or human health.	\$5,000.00
Failure to conduct effective manual or automatic inventory control procedures for the UST system.	Potential for major harm to the environment or human health.	\$5,000.00
Failure to monitor the USTs for releases at a frequency of at least once every month, to provide proper release detection for the piping associated with the UST system, and to test the line leak detectors at least once per year for performance and operational reliability.	Potential for major harm to environment or human health.	\$5,000.00
TOTAL		\$17,500.00

12. The ED proposed no penalty adjustments.
13. On February 20, 2007, Respondent requested a contested case hearing.
14. The ED referred the case to SOAH for hearing and on July 9, 2007, the Chief Clerk of the Commission mailed notice of the scheduled preliminary hearing to Respondent.
15. The hearing was convened on July 29, 2008, by ALJ Penny A. Wilkov at the hearing facilities of the State Office of Administrative Hearings (SOAH).
16. The Respondent appeared at the hearing and represented himself.
17. The ED appeared at the hearing through his attorney, Dinniah M. Chahin.
18. The record closed after additional evidence and briefing was submitted on November 14, 2008.

II. CONCLUSIONS OF LAW

1. Under TEX. WATER CODE ANN. § 7.051, the Commission may assess an administrative penalty against any person who violates a provision of the TEX. WATER CODE ANN. or of the TEX. HEALTH & SAFETY CODE ANN. within the Commission's jurisdiction or of any rule, order, or permit adopted or issued thereunder.
2. Under TEX. WATER CODE ANN. § 7.052, a penalty may not exceed \$10,000.00 per violation, per day for each violation at issue in this case.
3. As required by TEX. WATER CODE ANN. § 7.055 and 30 TEX. ADMIN. CODE §§ 1.11 and 70.104, Respondent was notified of the EDPRP and of the opportunity to request a hearing on the alleged violations or the penalties or corrective actions proposed therein.

4. As required by TEX. GOV'T CODE ANN. §§ 2001.051(1) and 2001.052; TEX. WATER CODE ANN. § 7.058; 1 TEX. ADMIN. CODE § 155.27; and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.25, 70.104, and 80.6, Respondent was notified of the hearing on the alleged violations, the proposed penalties, and proposed corrective actions.
5. SOAH has jurisdiction over matters related to the hearing in this matter, including the authority to issue a Proposal for Decision with Findings of Fact and Conclusions of Law, pursuant to TEX. GOV'T CODE ANN. ch. 2003.
6. Based on the above Findings of Fact, Respondent violated 30 TEX. ADMIN. CODE § 115.242(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. Based on the above Findings of Fact, Respondent violated 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b).
8. Based on the above Findings of Fact, Respondent violated 30 TEX. ADMIN. CODE § 334.48(c).
9. Based on the above Findings of Fact, Respondent violated 30 TEX. ADMIN. CODE §§ 334.50(b)(1)(A), 334.50(b)(2), and 334.50 (b)(2)(A)(i)(III) and TEX. WATER CODE §§ 26.3475(a) and 26.3475(c)(1).
10. In determining the amount of an administrative penalty, TEX. WATER CODE ANN. § 7.053 requires the Commission to consider several factors including:
 - a. The violation's impact or potential impact on public health and safety, natural resources and their uses, and other persons;
 - b. The nature, circumstances, extent, duration, and gravity of the prohibited act;
 - c. The history and extent of previous violations by the violator;

- d. The violator's degree of culpability, good faith, and economic benefit gained through the violation;
 - e. The amount necessary to deter future violations; and
 - f. Any other matters that justice may require.
11. The Commission has adopted a Penalty Policy setting forth its policy regarding the computation and assessment of administrative penalties, effective September 1, 2002.
 12. Based on consideration of the above Findings of Fact and Conclusions of Law, the factors set out in TEX. WATER CODE ANN. § 7.053, and the Commission's Penalty Policy, the ED correctly calculated the penalties for each of the alleged violations, resulting in a total proposed administrative penalty in the amount of \$17,500.00.
 13. Respondent failed to show any reasonable basis to adjust the proposed penalty.
 14. Respondent did not meet the burden of proof to establish an inability to pay the proposed penalty, pursuant to 30 TEX. ADMIN. CODE § 70.8.
 15. Based on consideration of the above Findings of Fact and Conclusions of Law, an administrative penalty in the amount of \$17,500.00 is justified, a reasonable exercise of the Commission's authority, and should be assessed against Respondent.
 16. Based on consideration of the above Findings of Fact and Conclusions of Law, the Respondent should be required to take the corrective action measures recommended by the ED in the EDFARP.

III. ORDERING PROVISIONS

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, IN ACCORDANCE WITH THESE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THAT:

1. Within 30 days after the effective date of this Commission Order, Respondent shall pay an administrative penalty in the amount of \$17,500.00 for violations of 30 TEX. ADMIN. CODE § 115.242(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b), 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), 30 TEX. ADMIN. CODE § 334.48(c), 30 TEX. ADMIN. CODE §§ 334.50(b)(1)(A), 334.50(b)(2), and 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a) and 26.3475(c)(1). The payment of the administrative penalty set out herein will completely resolve the violations set forth by this Order. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Checks rendered to pay penalties imposed by this Order shall be made out to "TCEQ." Administrative penalty payments shall be sent with the notation "Re: Tanvir A Malik dba Malik Exxon, RN 102264157, TCEQ Docket No. 2005-1953-PST-E."

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Within 30 days after the effective date of the Commission Order, Respondent shall begin maintaining the Stage II vapor recovery system in proper operating condition and shall begin conducting proper inventory control procedures for all USTs.

3. Within 45 days after the effective date of the Commission Order, Respondent shall submit written certification and detailed supporting documentation, including photographs, receipts, and /or other records, to demonstrate compliance with this order. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Respondent shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Sam Barrett, Waste Section Manager
Texas Commission on Environmental Quality
Dallas/Fort Worth Regional Office
2309 Gravel Drive
Fort Worth, Texas 76118-6951

4. The payment of the administrative penalty and the performance of all corrective actions ordered herein will completely resolve the violations set forth by this Order. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here.

5. The ED may refer this matter to the Office of the Attorney General of the State of Texas for further enforcement proceedings without notice to Respondent if the ED determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
6. All other motions, requests for entry of specific Findings of Fact or Conclusions of Law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.
7. The effective date of this Order is the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 80.273 and TEX. GOV'T CODE ANN. § 2001.144.
8. The Commission's Chief Clerk shall forward a copy of this Order to Respondent.
9. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any provision shall not affect the validity of the remaining portions of this Order.

ISSUED:

**TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY**

**BUDDY GARCIA, CHAIRMAN
FOR THE COMMISSION**