

ACUFF & GAMBOA, L.L.P.

ATTORNEYS AT LAW
PARK PLAZA BUILDING
2501 PARKVIEW DRIVE, SUITE 405
FORT WORTH, TEXAS 76102-5816

817-885-8500

FAX: 817/885-8504

April 29, 2009

Via Facsimile to 512/239-3311
and First Class Mail

LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
PO Box 13087, MC 105
Austin, Texas 78711-0387

RE: Respondent's Motion for Continuance
TCEQ Docket No. 2007-0609-PST-E
SOAH Docket No. 582-08-1485

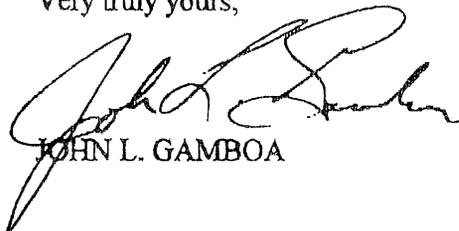
2009 APR 29 AM 11:18
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Dear Ms. Castanuela:

Enclosed for filing please find an original and one copy of Respondent's Motion to Withdraw its Motion for Continuance of April 29, 2009 and Order Granting the same for the above referenced docket number. Please file the originals and return a file marked copy to our office in the enclosed self-addressed, stamped envelope.

Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact our office.

Very truly yours,


JOHN L. GAMBOA

JLG/clh
Enclosures

cc: Kari L. Gilbreth, via facsimile 512-239-3434
Susan Bryson, via facsimile 512-475-4994

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

TCEQ DOCKET NO. 2007-0609-PST-E 2009 APR 29 AM 11:18

IN THE MATTER OF
AN ENFORCEMENT ACTION
AGAINST MUSTAFA NADAF DBA
DISCOUNT MINI MART;
RN102650330

BEFORE THE
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**MOTION TO WITHDRAW RESPONDENT'S
MOTION FOR CONTINUANCE OF APRIL 28, 2009**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Mustafa Nadaf dba Discount Mini Mart, Respondent herein, by and through his attorney of record, John L. Gamboa, and files this Motion to Withdraw Respondent's Motion for Continuance of April 28, 2009 and, in support thereof, would show as follows:

I.

Respondent will respectfully show that his Motion for Continuance of April 28, 2009 was filed in error and, therefore, requests this Court to withdraw the same.

WHEREFORE, PREMISES CONSIDERED, Respondent prays that the Court strike its Motion for Continuance of April 28, 2009 and enter an order withdrawing the same.

Respectfully submitted,

ACUFF & GAMBOA, L.L.P.



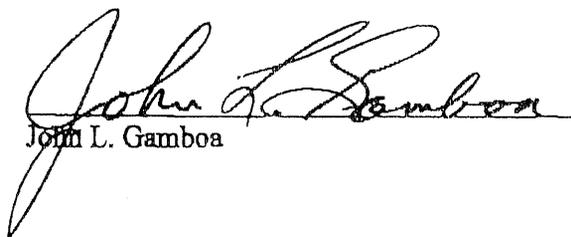
John L. Gamboa
State Bar No. 07606000
405 Park Plaza Building
2501 Parkview Drive
Fort Worth, TX 76102-5816
(817) 885-8500
FAX (817) 885-8504
ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

This is to certify that the above and foregoing instrument has been served on all attorneys of record in the above styled and numbered cause in accordance with the applicable rules on this the 29th day of April 28, 2009.

Via Fax 512-239-3434

Kari L. Gilbreth
Litigation Division, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087


John L. Gamboa

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 APR 29 AM 11:18
CHIEF CLERKS OFFICE

TCEQ DOCKET NO. 2007-0609-PST-E

IN THE MATTER OF
AN ENFORCEMENT ACTION
AGAINST MUSTAFA NADAF DBA
DISCOUNT MINI MART;
RN102650330

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**ORDER GRANTING RESPONDENT'S MOTION TO WITHDRAW
ITS MOTION FOR CONTINUANCE OF APRIL 28, 2009**

On this day came on to be considered Respondent's Motion to Withdraw its Motion for Continuance of April 28, 2009 and, after considering the same, this Court is of the opinion that said Motion should be granted.

IT IS, THEREFORE, ORDERED that Respondent's Motion for Continuance of April 29, 2009 is hereby stricken from the Court's record.

SIGNED this ____ day of _____, 2009.

JUDGE PRESIDING

ACUFF & GAMBOA, L.L.P.

2501 Parkview Drive, Suite 405

Fort Worth, Texas 76102-5816

Phone: (817) 885-8500

Fax: (817) 885-8504

DATE: April 29, 2009

TO: LaDonna Castanuela, Chief Clerk 512/239-3311
Texas Commission on Environmental Quality

FROM: John L. Gamboa

RE: TCEQ Docket No. 2007-0609-PST-E and SOAH Docket No. 582-08-1485
In the Matter of an Enforcement Action against Mustafa Nadaf d/b/a Discount Mini Mart

CHIEF CLERKS OFFICE
 2009 APR 29 AM 11:18
 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NUMBER OF PAGES INCLUDING COVER PAGE: 5

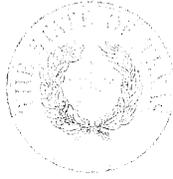
SPECIAL MESSAGE:

Attached for filing, please find Respondent's Motion to Withdraw its Motion for Continuance of April 28, 2009.

- Original will follow via: Original will not follow
- Regular Mail
- Overnight Delivery
- Hand Delivery
- Certified Mail RRR

CONFIDENTIALITY NOTE: The documents accompanying this telefax transmission contain information belonging to ACUFF & GAMBOA, LLP that is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any examination, disclosure, copying, distribution or taking of any action in reliance on, or with respect to, the contents of this telecopier information is strictly prohibited. If you have received this telefax in error, please immediately notify the person identified as the sending person by telephone at the number set forth above to arrange for return of the original documents to us.

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

April 29, 2009

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

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 APR 29 AM 10: 59
CHIEF CLERKS OFFICE

Re: Enforcement Action
Mustafa Nadaf dba Discount Mini Mart
TCEQ Docket No. 2007-0609-PST-E; SOAH Docket No. 582-08-1485
Executive Director's Response to Respondent's Motion for Continuance

Dear Ms. Castañuela:

Enclosed for filing is the original Executive Director's Response to Respondent's Motion for Continuance ("Response"). Enclosed please also find eight copies of this letter to you, and eight copies of the "Response". Please file stamp one copy of each of these documents and return one date-stamped copy to Kari L. Gilbreth, Attorney, Litigation Division, MC 175.

Please contact me at (512) 239-1320 with any questions you may have. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kari L. Gilbreth".

Kari L. Gilbreth
Attorney
Litigation Division

\encl.

cc: The Honorable Lilo D. Pomerleau, State Office of Administrative Hearings, Via Facsimile No. (512) 475-4994
Elvia Maske, Enforcement Division, TCEQ, MC 128
Sam Barrett, Waste Section Manager, TCEQ, MC R-4
Blas J. Coy, Jr., Attorney, Office of Public Interest Counsel, TCEQ, MC 103 (Electronically)
John L. Gamboa, Via Facsimile No. (817) 885-8504

2009 APR 29 AM 10: 59

CHIEF CLERKS OFFICE

SOAH DOCKET NO. 582-08-1485
TCEQ DOCKET NO. 2007-0609-PST-E

EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY,

Petitioner

v.

MUSTAFA NADAF DBA DISCOUNT

MINI MART,

Respondent

§
§
§
§
§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

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

TO: LES TROBMAN, GENERAL COUNSEL
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOW COMES, the Executive Director of the Texas Commission on Environmental Quality ("TCEQ" or "Commission") and files this his Response to Respondent's Motion for Continuance ("Response").

On April 28, 2009, the Executive Director received the Respondent's Motion for Continuance ("Respondent's Motion") regarding the above matter. The Respondent's Motion states that the Respondent's attorney, John L. Gamboa, is currently set number one on the trial docket in County Court at Law No. One, Tarrant County, Texas in Cause No. 07-53381-1, *William L. Owens v. Neal Autoplex, Inc. dba Neal Suzuki* ("Owens case"), beginning on May 6, 2009.

Respondent attached Exhibit A to his Motion, which is a Court Order indicating that the hearing in the Owens case has been re-set for trial on June 17, 2009 at 9:00 a.m. Since the Honorable Administrative Law Judge's Proposal for Decision and Proposed Order is set to be considered on the TCEQ May 6, 2009 Agenda, the Executive Director sees no conflict with the Respondent's schedule with respect to the May 6, 2009 Agenda date.

Executive Director's Response to Respondent's Motion for Continuance
Mustafa Nadaf dba Discount Mini Mart
TCEQ Docket No. 2007-0609-PST-E
SOAH Docket No. 582-08-1485
Page 2

PRAYER

WHEREFORE, PREMISES CONSIDERED, the Executive Director respectfully requests the that the Commission deny the Respondent's Motion for Continuance and consider the ALJ's Proposal for Decision and Proposed Agreed Order on the May 6, 2009 Agenda.

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: 
Kari L. Gilbreth
State Bar of Texas No. 24040969
Litigation Division, MC 175
P.O. Box 13087
Austin, Texas 78711-3087
Telephone: (512) 239-1320
Fax: (512) 239-3434

CERTIFICATE OF SERVICE

I hereby certify on this 29th day of April, 2009, the original of the foregoing "Executive Director's Response to Respondent's Motion for Continuance" ("Response") 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 Respondent was sent via facsimile:

Via Facsimile Transmission: (512) 475-4994

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

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 APR 29 AM 10:59
CHIEF CLERKS OFFICE

Via Facsimile Transmission: (817) 885-8504

Mr. John L. Gamboa
Attorney at Law
Acuff & Gamboa, L.L.P.
2501 Parkview Drive, Ste. 405
Fort Worth, Texas 76102-5816

I further certify that on this day a true and correct copy of the foregoing Response 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

Mustafa Nadaf dba Discount Mini Mart
TCEQ Docket No. 2007-0609-PST-E

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

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

John L. Gamboa
Acuff & Gamboa, L.L.P.
Attorneys at Law
2501 Parkview Drive, Suite 405
Fort Worth, Texas 76102-5816

Blas J. Coy, Jr., Attorney
Office of Public Interest Counsel, MC 103
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

ACUFF & GAMBOA, L.L.P.

2501 Parkview Drive, Suite 405

Fort Worth, Texas 76102-5816

Phone: (817) 885-8500

Fax: (817) 885-8504

DATE: April 28, 2009

TO: Kari Gilbreth 512-239-3434
Susan Bryson 512-475-4994

FROM: John L. Gamboa

RE: TCEQ Docket No. 2007-0609-PST-E and SOAH Docket No. 582-08-1485
In the Matter of an Enforcement Action against Mustafa Nadaf d/b/a Discount Mini Mart

NUMBER OF PAGES INCLUDING COVER PAGE: 7

SPECIAL MESSAGE:

Attached please find Respondent's Motion for Continuance and Order Granting Motion for the above referenced cause. Should you have any questions please advise the office.

- Original will follow via: Original will not follow
- Regular Mail
- Overnight Delivery
- Hand Delivery
- Certified Mail RRR

CONFIDENTIALITY NOTE: The documents accompanying this telefax transmission contain information belonging to ACUFF & GAMBOA, LLP that is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any examination, disclosure, copying, distribution or taking of any action in reliance on, or with respect to, the contents of this telecopier information is strictly prohibited. If you have received this telefax in error, please immediately notify the person identified as the sending person by telephone at the number set forth above to arrange for return of the original documents to us.

ACUFF & GAMBOA, L.L.P.

ATTORNEYS AT LAW
PARK PLAZA BUILDING
2501 PARKVIEW DRIVE, SUITE 405
FORT WORTH, TEXAS 76102-5816

817-885-8300

FAX: 817/885-8304

April 28, 2009

LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
PO Box 13087, MC 105
Austin, Texas 78711-0387

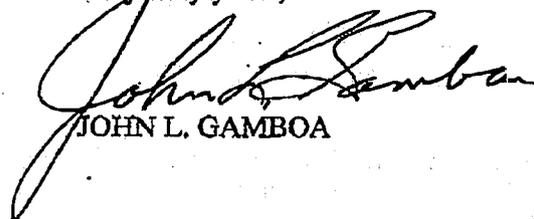
RE: Respondent's Motion for Continuance
TCEQ Docket No. 2007-0609-PST-E
SOAH Docket No. 582-08-1485

Dear Ms. Castanuela:

Enclosed for filing please find an original and one copy of Respondent's Motion for Continuance for the above referenced docket number. Please file the original and return a file marked copy to our office in the enclosed self-addressed, stamped envelope.

Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact our office.

Very truly yours,



JOHN L. GAMBOA

JLG/elh
Enclosures

cc: Kari L. Gilbreth, via facsimile 512-239-3434
Susan Bryson, via facsimile 512-475-4994
Client

TCEQ DOCKET NO. 2007-0609-PST-E

IN THE MATTER OF
AN ENFORCEMENT ACTION
AGAINST MUSTAFA NADAF DBA
DISCOUNT MINI MART;
RN102650330

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Mustafa Nadaf dba Discount Mini Mart, Respondent herein, by and through his attorney of record, John L. Gamboa, and files this Motion for Continuance, and in support thereof would show as follows:

I.

This case is presently set to be considered by the TCEQ on May 6, 2009 at 9:30 a.m.

II.

Respondent will respectfully show that Respondent's attorney, John L. Gamboa, is currently number one on the trial docket in the County Court at Law No. One, Tarrant County, Texas in Cause No. 07-53381-1, *William L. Owens v. Neal Autoplex, Inc. d/b/a Neal Suzuki*, beginning on May 6, 2009. Please see the Court's Order attached hereto as Exhibit A.

III.

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

WHEREFORE, PREMISES CONSIDERED, Respondent prays that the above entitled and numbered cause be removed from its present setting until such time as it is reset by the parties.

Respectfully submitted,

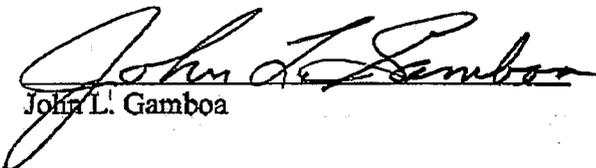
ACUFF & GAMBOA, L.L.P.



John L. Gamboa
State Bar No. 07606000
405 Park Plaza Building
2501 Parkview Drive
Fort Worth, TX 76102-5816
(817) 885-8500
FAX (817) 885-8504
ATTORNEY FOR RESPONDENT

CERTIFICATE OF CONFERENCE

I hereby certify that a conference was attempted with Kari Gilbreth, counsel for Texas Commission on Environmental Quality, on the 28th day of April, 2009, and she is opposed to the same. Therefore, it is presented to the court for determination.

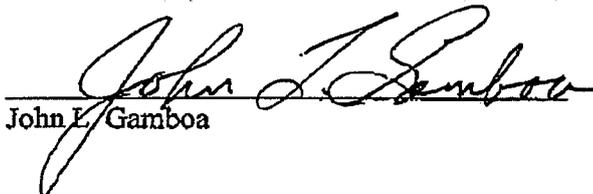

John L. Gamboa

CERTIFICATE OF SERVICE

This is to certify that the above and foregoing instrument has been served on all attorneys of record in the above styled and numbered cause in accordance with the applicable rules on this the 28th day of April 28, 2009.

Via Fax 512-239-3434
Kari L. Gilbreth
Litigation Division, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

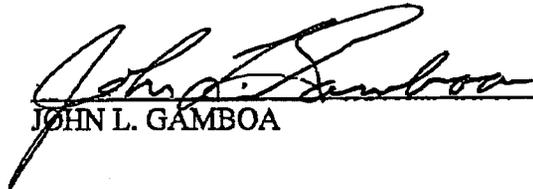
Client


John L. Gamboa

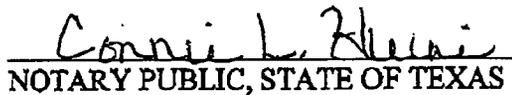
VERIFICATION

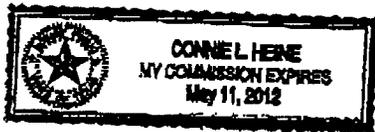
THE STATE OF TEXAS §
 §
COUNTY OF TARRANT §

On this day came before me, the undersigned Notary Public, JOHN L. GAMBOA, who being known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, deposed and said: that he is the attorney of record for Mustafa Nadaf dba Discount Mini Mart, Respondent in the above entitled and numbered matter, and is duly qualified and authorized in all respects to make this Affidavit; that he has read the above and foregoing Motion for Continuance, and that the facts therein contained are within his personal knowledge and are true and correct.


JOHN L. GAMBOA

SUBSCRIBED AND SWORN TO before me on this the 28th day of April, 2009, to certify which witness my hand and seal of office.


NOTARY PUBLIC, STATE OF TEXAS



CASE: 2007053381

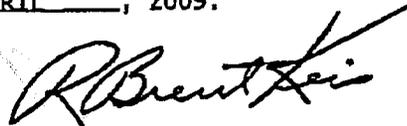
WILLIAM L. OWENS	}{	IN THE COUNTY COURT
	}{	
VS	}{	AT LAW NO. ONE
	}{	
NEAL AUTOPLEX, INC. D/B/A NEAL	}{	TARRANT COUNTY, TEXAS

O R D E R

(JURY DOCKET)

IT IS ORDERED THAT THE ABOVE-STYLED AND NUMBERED CAUSE IS RE SET FOR TRIAL, IN ACCORDANCE WITH LOCAL RULE 3.01, IN THE COURTROOM OF TARRANT COUNTY COURT AT LAW NO. 1 ON WEDNESDAY, JUNE 17, 2009, AT 09:00 AM.

SIGNED THIS 15TH DAY OF APRIL, 2009.



JUDGE PRESIDING

NOTE: THIS CASE IS PRESENTLY THE NUMBER 1 CASE FOR THIS TRIAL SETTING AND IT IS THE EXPERIENCE OF THE COURT THAT, AS SUCH, YOU WILL GO TO TRIAL.

ALL PARTIES SHOULD REMEMBER TO COMPLY WITH LOCAL RULE 3.03(C), WHICH READS AS FOLLOWS: "AT THE TIME THE PARTIES REPORT FOR TRIAL THEY WILL DELIVER TO THE COURT AND THE OTHER PARTIES A WITNESS LIST, EXHIBIT LIST, ANY MOTION IN LIMINE AND ANY REQUESTED INSTRUCTIONS AND QUESTIONS IF A JURY TRIAL AND PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW IF A NON-JURY TRIAL. ANY WITNESSES OR EXHIBITS NOT SHOWN ON SUCH LIST CAN BE USED AT THE TRIAL ONLY UPON LEAVE OF THE COURT. PRIOR TO COMMENCEMENT OF TRIAL ALL EXHIBITS WILL BE MARKED, EXCHANGED AND EXAMINED BY COUNSEL SO THAT THE TRIAL WILL NOT BE DELAYED BY SUCH EXAMINATION."

IN THE EVENT ANY WITNESSES WILL HAVE ANY DIFFICULTY SPEAKING OR UNDERSTANDING ENGLISH, PLEASE MAKE ARRANGEMENTS FOR AN INTERPRETER.

YOU ARE GOING TO TRIAL.

NO FURTHER NOTICE WILL BE GIVEN.

PLEASE APPEAR WITH YOUR WITNESSES E ABOVE MENTIONED DATE AND TIME.

Ex A

TCEQ DOCKET NO. 2007-0609-PST-E

IN THE MATTER OF
AN ENFORCEMENT ACTION
AGAINST MUSTAFA NADAF DBA
DISCOUNT MINI MART;
RN102650330

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

ORDER GRANTING MOTION FOR CONTINUANCE

On this day came on to be considered Respondent's Motion for Continuance and, after considering the same, this Court is of the opinion that said Motion should be granted.

IT IS THEREFORE ORDERED that Respondent's Motion for Continuance is granted, and the public hearing in this cause is scheduled for ____ day of _____, 2009 at ____ : ____ .m.

SIGNED this ____ day of _____, 2009.

JUDGE PRESIDING

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

April 23, 2009

TO: All Persons on Mailing List

RE: **SOAH Docket No. 582-08-1485; TCEQ Docket No. 2007-0609-PST -E;** In the matter of an Enforcement Action against **Mustafa Nadaf dba Discount Mini Mart.**

The above-referenced matter is scheduled to be considered by the Texas Commission on Environmental Quality on **May 6, 2009** at **9:30 A.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 Melissa Chao 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/jf

MAILING LIST
MUSTAFA NADAF DBA DISCOUNT MINI MART
SOAH DOCKET NO. 582-08-1485
TCEQ DOCKET NO. 2007-0609-PST-E

John L. Gamboa, Attorney at Law
Acuff & Gamboa, LLP
405 Park Plaza Bldg.
2501 Parkview Drive, Suite 405
Fort Worth, Texas 76102-5816

Representing the Respondent

Mustafa Nadaf
Discount Mini Mart
2424 Azle Avenue
Fort Worth, Texas 76016

Respondent

Kari L. Gilbreth, Staff Attorney
Texas Commission on Environmental Quality
Legal Division, MC-175
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-0600
Fax: (512) 239-0606

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

Lilo D. Pomerleau, 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
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

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

October 29, 2008

TO: SEE SERVICE LIST

RE: Opportunity to Comment on the State Office of Administrative Hearings Proposal for Decision and Order regarding **Mustafa Nadaf dba Discount Mini Mart, TCEQ Docket No. 2007-0609-PST-E; SOAH Docket No. 582-08-1485**

Please be informed that the following notice was 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 **October 20, 2008**, in the matter of the **Executive Director of the Texas Commission on Environmental Quality, Petitioner v. Mustafa Nadaf dba Discount Mini Mart; SOAH Docket No. 582-08-1485; TCEQ Docket No. 2007-0609-PST-E**. The commission will consider the Administrative Law Judge's Proposal for Decision and Order regarding the enforcement action against **Mustafa Nadaf dba Discount Mini Mart** 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 Melissa Chao, Office of the Chief Clerk, (512) 239-3300.

This notice will be published in the *Texas Register* on **October 31, 2008**. 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 Melissa Chao or me at (512) 239-3300.

Sincerely,

A handwritten signature in black ink that reads "LaDonna Castañuela".

LaDonna Castañuela
Chief Clerk

LDC/mt

MAILING LIST
MUSTAFA NADAF DBA DISCOUNT MINI MART
SOAH DOCKET NO. 582-08-1485
TCEQ DOCKET NO. 2007-0609-PST-E

John L. Gamboa, Attorney at Law
Acuff & Gamboa, LLP
2501 Parkview Drive, Suite 405
Fort Worth, Texas 76102-5816

Representing the Respondent

Nustafa Nadaf
Discount Mini Mart
2424 Azle Avenue
Fort Worth, Texas 76016

Respondent

Kari L. Gilbreth, Staff Attorney
Texas Commission on Environmental Quality
Legal Division, MC-175
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-0600
Fax: (512) 239-0606

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
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