

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

August 19, 2009

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

Re: Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision
NIDA, Inc. dba Lawndale Chevron
SOAH Docket No. 582-09-1255; TCEQ Docket No. 2008-0232-PST-E

Dear Ms. Castañuela:

Enclosed for filing are the original of 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 and Proposed Order, and one copy of the letter to the Respondent. Please file stamp these documents and return them to Anna M. Treadwell, Attorney, Litigation Division, MC 175. If you have any questions or comments, please call me at (512) 239-0974.

Sincerely,

A handwritten signature in cursive script that reads "Anna Treadwell".

Anna M. Treadwell
Attorney
Litigation Division

Enclosures

cc: Mr. Mohammed Ahmed, Lawndale Chevron, 8001 Lawndale Street,
Houston, Texas 77012
Mr. Rajesh Acharya, Enforcement Division, TCEQ
Ms. Nicole Bealle, Waste Section Manager, TCEQ
Mr. Blas Coy, Public Interest Counsel, TCEQ

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 19, 2009

Via Facsimile Transmission to: (512) 475-4994

The Honorable Rebecca S. Smith
State Office of Administrative Hearings
William P. Clements Building
300 West 15th Street, Suite 502
P.O. Box 13025
Austin, Texas 78711

Re: Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision;
NIDA, Inc. dba Lawndale Chevron
SOAH Docket No. 582-09-1255; TCEQ Docket No. 2008-0232-PST-E

To The Honorable Judge Smith:

Please find enclosed a copy of 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 dated on July 30, 2009. If you have any questions or comments, please call me at (512) 239-0974.

Sincerely,

A handwritten signature in cursive script that reads "Anna Treadwell".

Anna M. Treadwell
Attorney
Litigation Division

Enclosures

cc: Office of the Chief Clerk, TCEQ
Mohammed Ahmed, Lawndale Chevron, 8001 Lawndale Street, Houston, Texas 77012

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

August 19, 2009

Via Certified Mail, Return Receipt Requested, Article No. 7003 0500 0002 9940 8274

Mr. Mohammed Ahmed, President
NIDA, Inc. dba Lawndale Chevron
8001 Lawndale Street
Houston, Texas 77012

Re: Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision
NIDA, Inc. dba Lawndale Chevron
SOAH Docket No. 582-09-1255; TCEQ Docket No. 2008-0232-PST-E

Dear Mr. Ahmed:

Enclosed for filing are the original of the Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision.

If you have any questions or comments, please call me at (512) 239-0974.

Sincerely,

A handwritten signature in cursive script that reads "Anna Treadwell".

Anna M. Treadwell
Attorney
Litigation Division

Enclosures

SOAH DOCKET NO. 582-09-1255
TCEQ DOCKET NO. 2008-0232-PST-E

EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY,
PETITIONER

VS.

NIDA, INC. DBA LAWNSDALE
CHEVRON,
RESPONDENT

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BEFORE THE

STATE OFFICE OF

ADMINISTRATIVE HEARINGS

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

TO THE HONORABLE JUDGE SMITH:

COMES NOW the Executive Director of the Texas Commission on Environmental Quality ("TCEQ" or "Commission"), represented by the Litigation Division, has no exceptions and files this motion in support of the Administrative Law Judge's Proposal for Decision.

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: Anna Treadwell
Anna M. Treadwell
State Bar of Texas No. 24053154
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 19th of August, 2009, the original and seven (7) copies of the foregoing "Exceptions to 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. 7003 0500 0002 9940 8274), to:

Mohammed Ahmed, President
NIDA, Inc. dba Lawndale Chevron
8001 Lawndale Street
Houston, Texas 77012

I further certify that on this day a true and correct copy of the foregoing Exceptions was delivered electronically, 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 to:

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



Anna M. Treadwell
Attorney
Litigation Division
Texas Commission on Environmental Quality