

**SOAH DOCKET NO. 582-13-3283
TCEQ DOCKET NO. 2012-1129-MSW-E**

<p>EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, PETITIONER</p> <p style="text-align:center">VS.</p> <p>ROBERT PAUL EVANS D/B/A TERRELL SAND & RECYCLING AND ROBERT J. EVANS, JR. D/B/A TERRELL SAND & RECYCLING, RESPONDENTS</p>	<p>§ § § § § § § § § §</p>	<p style="text-align:right">BEFORE THE</p> <p style="text-align:right">STATE OFFICE OF</p> <p style="text-align:right">ADMINISTRATIVE HEARINGS</p>
---	--	---

**THE EXECUTIVE DIRECTOR'S MOTION TO CONTINUE
THE AGENDA SETTING OF AUGUST 6, 2014**

TO THE HONORABLE COMMISSIONERS AND OFFICE OF GENERAL COUNSEL:

Pursuant to 30 TEX. ADMIN. CODE § 10.4, the Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) respectfully files this motion to continue the current agenda setting of this matter on the August 6, 2014, Commission agenda meeting. The ED's attorney has a schedule conflict on August 6, 2014, and is not available to attend the agenda meeting on that date. The ED's attorney is available for the next posted agenda meeting of August 20, 2014, as well as any other posted agenda meeting date on the TCEQ website.

This is a TCEQ municipal solid waste enforcement case. After a hearing on the merits, the administrative law judge (ALJ) issued a proposal for decision and proposed order. Both the Respondent and the ED filed exception briefing in response to the ALJ's proposal for decision.

On July 18, 2014, this matter was scheduled for the August 6, 2014, Commission agenda meeting. Prior to that date, the ED's attorney, Jennifer Cook, made travel arrangements to be out of the state for that date and purchased airline tickets. Ms. Cook participated in the hearing in this case and filed the post hearing briefings for the ED in this case. She is the person expected to make the agenda presentation for this case on behalf of the ED.

For these reasons, the ED respectfully requests that this matter be continued and set for another Commission agenda meeting.

Respectfully submitted,

Texas Commission on Environmental Quality

Richard A. Hyde, P.E.
Executive Director

Caroline M. Sweeney, Deputy Director
Office of Legal Services

Kathleen C. Decker, Division Director
Litigation Division

by  

Jennifer Cook
State Bar of Texas No. 00789233
Litigation Division, MC 175
P.O. Box 13087
Austin, Texas 78711-3087
(512) 239-3400
(512) 239-3434 (Fax)
Jennifer.Cook@tceq.texas.gov

CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2014, the foregoing original document and seven (7) copies were filed with the Chief Clerk; additionally the document was electronically filed with the Chief Clerk, Texas Commission on Environmental Quality, Austin, Texas.

I further certify that on this day the foregoing document was served as indicated:

Anne Idsal, General Counsel
Texas Commission on Environmental Quality
Mail Code 101
anne.idsal@tceq.texas.gov
Via Electronic Mail and Hand Delivery

The Honorable Administrative Law Judge Paul D. Keeper
State Office of Administrative Hearings
William P. Clements Building
300 West 15th Street, Room 504
Austin, Texas 78701
Via Electronic Filing

Ronnie Jones
Attorney & Counselor at Law, PLLC
9951 Anderson Mill Road, Unit 201
Austin, Texas 78750
Fax: (512) 291-6823
RJones@RonnieJoneslaw.com
Via Facsimile and Electronic Mail

Eli Martinez
Office of Public Interest Counsel, MC 103
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
eli.martinez@tceq.texas.gov
Via Electronic Mail



Jennifer Cook