Bryan W. Shaw, Ph.D., *Chairman*
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Blas J. Coy, Jr., *Public Interest Counsel*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 26, 2010

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

RE: Brazos River Authority
2005-1490-WR

Dear Ms. Castañuela:

We have discovered, upon further review, that the withdrawal of the contested case hearing requests of City of Bryan/College Station and City of Lubbock were conditional. OPIC would therefore not object to the granting of the hearing requests of City of Bryan/College Station and City of Lubbock if they are determined to be affected persons.

Additionally, OPIC's omission of DOW Chemical as an affected person with a valid water right potentially impacted by the permit of the Brazos River Authority was inadvertent. OPIC would therefore not object to referral of DOW Chemical as a party to a contested case hearing on Water Permit No. 5851.

We submit this clarification only to advise the requestors, applicant and the Executive Director of the omissions.

Sincerely,

Eli Martinez, Attorney
Public Interest Counsel

cc: Mailing List
Enclosure

MAILING LIST
BRAZOS RIVER AUTHORITY
TCEQ DOCKET NO. 2005-1490-WR

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