

Bryan W. Shaw, Ph.D., P.E., *Chairman*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 14, 2014

To: Persons on the Attached Mailing List (by mail and facsimile as indicated)

Re: Filing Timelines and Procedures for Anticipated Exceptions and Replies to the Administrative Law Judges' Proposal for Decision Regarding LCRA's Emergency Amendment to its Water Management Plan; TCEQ Docket No. 2014-0124-WR; SOAH Docket No. 582-14-2123.

The above-referenced matter was referred to the State Office of Administrative Hearings ("SOAH") for the completion of a hearing on the merits. Commission rules provide parties to a contested case hearing the right to file exceptions in response to an administrative law judge's ("ALJ") Proposal for Decision ("PFD"). Commission rules require exceptions to be filed within 20 days after the issuance of the PFD and replies to be filed within 30 days of the issuance of the PFD.

Given the limited amount of time that the Commission has to consider this matter, and because this matter concerns an emergency condition, I have changed the deadlines to file post-PFD pleadings for this matter on my own motion. This action is taken in accordance with the authority granted to the General Counsel by 30 Tex. Admin. Code §§ 10.3 and 80.257(b). Further, this action is consistent with the relief granted by Governor Perry's Emergency Proclamation certifying that exceptional drought conditions pose a threat of imminent disaster in specified counties, including those counties affected by this matter.

This letter is to notify all parties to this matter that they may file exceptions to the PFD in the Commission's Office of Chief Clerk ("OCC") on or before **5:00 P.M. on Monday February 24, 2014**. Any replies to the exceptions must be filed on or before **5:00 P.M. on Tuesday February 25, 2014**. To be considered timely, an original and seven copies of any exceptions or replies must be received in the OCC on or before the applicable 5:00 P.M. deadline. All exceptions and replies filed with the OCC should also be addressed to the attention of the Agenda Docket Clerk and be marked with the TCEQ Docket number provided above. All exceptions and replies must be filed with the Chief Clerk of the TCEQ. Exceptions and replies may be filed with the Chief Clerk electronically at <http://www10.tceq.state.tx.us/epic/efilings/> **or** by filing an original and 7 copies with the Chief Clerk of the TCEQ.

The parties are reminded that 30 Tex. Admin. Code § 1.11(b) requires that all exceptions and replies must be served on all parties or their representatives no later than the day of filing. To this end, I am establishing email as a valid method of service for exceptions and replies in this matter. This action is taken in accordance with the authority delegated to me through Commission Resolution No. 2009-059-RES and 30 Tex. Admin. Code § 1.11(c). Since this practice was established by the ALJs' Order No. 1, the parties' email addresses listed in the ALJs' Order No. 1 should continue to be used for post-PFD service by email. Should a party fail to timely provide another party with a copy of its filing, that filing may not be considered by the Commission.

Additionally, while not required, I would appreciate the parties emailing a courtesy copy of all hearing and post-hearing filings to barham.richard@tceq.texas.gov.

If you have any questions about the above schedule or related matters, please contact Barham A. Richard, Assistant General Counsel, at 512-239-0107.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne Idsal". The signature is fluid and cursive, with a large initial "A" and a long, sweeping tail.

Anne Idsal
General Counsel

Mailing List

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