

# State Office of Administrative Hearings



Shelia Bailey Taylor  
Chief Administrative Law Judge

CHIEF CLERKS OFFICE  
JUN 27 AM 10:14

TEXAS  
COMMISSION ON  
ENVIRONMENTAL  
QUALITY

June 26, 2006

Derek Seal  
General Counsel  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin Texas 78711-3087

VIA FACSIMILE NO. 512/239 3311

Re: SOAH Docket No. 582-04-0251; TCEQ Docket No. 2000-0396-IHW-E; In the Matter of an Enforcement Action Against Chester L. Slay, Jr., Individually; Union Texas Limited Partnership; and Chester L. Slay, Jr., Trustee of Peckham Family Trust, Solid Waste Registration No. 34799

Dear Mr. Seal:

The Administrative Law Judge (ALJ) has reviewed the June 9 2006 Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision (ED's Exceptions). The ALJ disagrees with the ED's Exceptions.

With respect to the January 2000 Palmer Order, the ED references matters outside the record. As counsel for the ED knows, the ALJ can only be "assisted" by evidence in the record. The ALJ cannot, and does not, consider facts outside the evidentiary record and disregards all references to matters outside the record as inappropriate.

For the reasons stated in the Proposal for Decision, the ALJ believes the Proposal for Decision correctly and equitably applies the applicable statutes and promulgated rules to the facts set forth in the evidentiary record.

Sincerely  
  
Howard S. Seitzman  
Administrative Law Judge

HSS/vg  
cc: Mailing List

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AGENCY: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

STYLE/CASE: CHESTER SLAY, JR.

SOAH DOCKET NUMBER: 582-04-0251

TCEQ DOCKET NUMBER: 2000-0396-IHW-E

STATE OFFICE OF ADMINISTRATIVE  
HEARINGS

HOWARD S. SEITZMAN  
ADMINISTRATIVE LAW JUDGE

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CHESTER L. SLAY, JR.,

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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SOAH DOCKET NO.:

582-04-0251

TCEQ DOCKET NO.:

2000-0396-IHW-E

REGARDING:

RESPONSE TO EXCEPTIONS AND REPLIES

FROM:

JUDGE HOWARD S. SEITZMAN

Table with 2 columns: FAX TO, FAX NO. Rows include Blas Coy (OPIC), Docket Clerk (TCEQ), Mary Clair Lyons (TCEQ), and Chester Slay (Respondent).

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