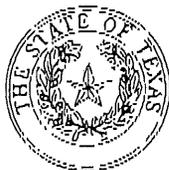


# State Office of Administrative Hearings



Shelia Bailey Taylor  
Chief Administrative Law Judge

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
2008 MAY -2 PM 3:33  
CLERKS OFFICE

May 2, 2008

Les Trobman  
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. 582-08-0859; TCEQ Docket No. 2005-1052-MSW-E; In the Matter of An Enforcement Action against Gregg Dentler and Hugh Doug Dentler d/b/a Dentlers Tire Shop; RN No. 104596226**

Dear Mr. Trobman:

The Administrative Law Judge (ALJ) has reviewed the Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision (ED's Exceptions) dated March 17, 2008, and received on March 18, 2008. The ALJ agrees with the following ED's Exceptions: 1 through 9, and 11.

While the ALJ does not oppose the additional heading or the page headers suggested by the ED in Exceptions 10 and 13, the ALJ simply notes that those items have not been included previously in the agreed upon order format.

As to ED Exception 12, the ALJ disagrees insofar as the term "Respondent" is defined on page 1, paragraph 1, line 5 of the Proposed Order to collectively refer to Gregg Dentler and Hugh Doug Dentler dba Dentlers Tire Shop. If the ED's intent is to have the ED included by using the phrase "each of the parties," the ALJ simply notes that would appear to exceed the requirement of TEX. WATER CODE ANN. § 7.059 and be a change to the previously agreed upon order format.

Sincerely,

Howard S. Seitzman  
Administrative Law Judge

HSS/pp  
cc: Mailing List

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**AGENCY:** Environmental Quality, Texas Commission on (TCEQ)

**STYLE/CASE:** GREGG DENTLER & HUGH DOUG DENTLER / DENTLERS  
TIRE SHOP

**SOAH DOCKET NUMBER:** 582-08-0859

**REFERRING AGENCY CASE:** 2005-1052-MSW-E

**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**ADMINISTRATIVE LAW JUDGE  
ALJ HOWARD S. SEITZMAN**

**REPRESENTATIVE / ADDRESS**

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USP POLLACK, US PENITENTARY

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C/O WILKE TIRE SERVICE

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xc: Docket Clerk, State Office of Administrative Hearings

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EXCEPTIONS LETTER (BY ALJ)

JUDGE HOWARD S SEITZMAN

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