

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 5, 2016

TO: All Persons on Mailing List
RE: **SOAH Docket No. 582-10-4184; TCEQ Docket No. 2005-1490-WR.**
Application by the **Brazos River Authority** for Water Use Permit No. 5851 and Related Filings

The above-referenced matter is scheduled to be considered by the Texas Commission on Environmental Quality on **August 24, 2016**, at **9:30 a.m.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas.

30 TAC §80.263 provides as follows:

In proceedings where a judge has held a public hearing and has issued a proposal for decision or other report to the commission, all oral presentations before the commission shall be limited to five minutes each, excluding time for answering questions, unless the chairman or general counsel establishes other limitations. Before the commission meeting, the general counsel may allot time for oral presentations. Oral presentations and responses to questions shall be directed to the commission.

The General Counsel has directed me to specify the time for oral argument in this matter as follows:

- 10 minutes for the Applicant;
- 5 minutes for the Texas Parks and Wildlife Department;
- 10 minutes for the Protestants collectively;
- 5 minutes for the Cities of Bryan, College Station and Lubbock collectively;
- 5 minutes for the Executive Director; and
- 5 minutes for the Office of Public Interest Counsel.

The Protestants afforded oral argument (Protestants that filed exceptions or replies to the Supplement to the Proposal for Decision on Remand) include Dow Chemical Company, the Brazos Family Farmers and Ranchers group, and the Friends of the Brazos River group. These Protestants should apportion their 10 minutes among themselves prior to the public meeting and contact Meghan Taack, Agenda Coordinator, Office of the Chief Clerk at (512) 239-3300 by **5:00 p.m. on Monday, August 22, 2016**, to let her know how the time will be apportioned. The Applicant may save part of its time for rebuttal, as it bears the burden of proof. Parties should present their arguments on the Proposal for Decision during their allotted oral argument time.

Furthermore, if the Commissioners need additional information, they may ask questions of the parties after oral argument is completed. In light of the oral argument time periods previously found sufficient in complex matters and given the Commissioners' ability to question the parties to clarify any issues, the General Counsel has determined that the time periods provided should be sufficient.

Should you need any additional information, please contact Mehgan Taack at the Texas Commission on Environmental Quality, Office of the Chief Clerk, (512) 239-3300.

Sincerely,

A handwritten signature in cursive script that reads "Bridget C. Bohac".

Bridget C. Bohac
Chief Clerk

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SOAH DOCKET NO. 582-10-4184
TCEQ DOCKET NO. 2005-1490-WR

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