

# State Office of Administrative Hearings



Shelia Bailey Taylor  
Chief Administrative Law Judge

April 8, 2008

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2008 APR -8 AM 10:55

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Les Trobman, General Counsel  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

VIA FACSIMILE NO. 512/239-5533

Re: SOAH Docket No. 582-07-0105; TCEQ Docket No. 2005-2018-MWD-E;  
In the Matter of an Enforcement Action Against Clear Lake City Water Authority dba  
Robert T. Savely Water Reclamation Facility

Dear Mr. Trobman:

I have reviewed the Executive Director's exceptions to the Proposal for Decision in this matter. I have no objection to the corrections recommended by the Executive Director for proposed Findings of Fact Nos. 2, 9, 12, and Conclusions of Law Nos. 2 and 6, and Ordering Provision No. 11.

With respect to Finding of Fact No. 14, I disagree with the ED's characterization of the evidence, but I have no objection to the suggested rewording. It should be noted that there is no official transcript of the hearing and the portions of the audiotape are inaudible. Some evidence reflected in my notes taken at the hearing is not contained in the ED's transcription of the tape.

The ED's proposed changes to Findings of Fact Nos. 13 and 17 should be overruled because they reference information that is not part of the evidentiary record.

I recommend that the remainder of the ED's exceptions be overruled because they are either inaccurate or unnecessary. Most reflect the arguments made at the hearing and have been addressed in my proposal for decision.

Sincerely,

Carol S. Birch  
Administrative Law Judge

CSB/ed

xc: Service List

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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AGENCY: Environmental Quality, Texas Commission on (TCEQ)  
STYLE/CASE: CLEAR LAKE CITY WATER AUTHORITY / ROBERT T. SAVELY WATER RECLAMATION FACILITY  
SOAH DOCKET NUMBER: 582-07-0105  
REFERRING AGENCY CASE: 2005-2018-MWD-E

STATE OFFICE OF ADMINISTRATIVE HEARINGS

ADMINISTRATIVE LAW JUDGE  
ALJ CAROL S. BIRCH

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CLEAR LAKE CITY WATER AUTHORITY D/B/A  
ROBERT T. SAVELY WATER RECLAMATION FACILITY

xc: Docket Clerk, State Office of Administrative Hearings