

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 18, 2006

CHIEF CLERKS OFFICE

2006 SEP 19 11:10:26

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

To: Persons on the attached mailing list (by mail and facsimile as indicated)

Re: ALJs' Proposal for Decision and Proposed Order regarding the Application of Oak Grove Management Company, LLC for Proposed Air Quality Permit No. 76474 and PDS-TX-1056; TCEQ Docket No. 2006-0195-AIR; SOAH Docket No. 582-06-1502.

By letter dated August 23, 2006, the Administrative Law Judges (ALJs) presiding over the above-referenced matter issued a Proposal for Decision and requested the parties to file exceptions by September 12, 2006. On September 13, 2006, after having timely filed his exceptions, the Executive Director filed with this office a motion for leave to file supplemental exceptions, and attached a supplemental filing that provided additional recommended changes to the text of the ALJs' Proposed Order, which were consistent with those offered in his timely filing.

In order to allow the Commission to consider the supplement, this office is hereby extending the deadline to file exceptions in the above referenced matter until 5:00, September 13, 2006, pursuant to 30 TAC §80.257.

If you have any questions about this matter, please contact Matt Beeter, Assistant General Counsel, at (512) 239-1406.

Respectfully,

A handwritten signature in black ink that reads "Derek Seal".

Derek Seal
General Counsel

Mailing List

H:\COUNSEL\BEETER\Letters\Extensions\OakGrove.ext.doc

MAILING LIST
OAK GROVE MANAGEMENT COMPANY, LLC
TCEQ DOCKET NO. 2006-0195-AIR; SOAH DOCKET NO. 582-06-1502

The Honorable Tom Walston
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Austin, Texas 78701
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The Honorable Carol Wood
Administrative Law Judge
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LaDonna Castanuela
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SOAH DOCKET NO. 582-06-1502
TCEQ DOCKET NO. 2006-0195-AIR

APPLICATION OF § BEFORE THE STATE OFFICE
OAK GROVE MANAGEMENT §
COMPANY, LLC FOR § OF
PROPOSED AIR PERMIT §
NO. 76474 AND PSD-TX-1056 § ADMINISTRATIVE HEARINGS

**EXECUTIVE DIRECTOR'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL
EXCEPTIONS TO THE ADMINISTRATIVE LAW JUDGES PROPOSAL FOR
DECISION AND ORDER**

TO THE HONORABLE TCEQ GENERAL COUNSEL:

COMES NOW the Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) and files the Executive Director's Motion for Leave to file Supplemental Exceptions to the Administrative Law Judges' (ALJs) Proposal for Decision (PFD) and Order and in support thereof shows the following:

1. On September 12, 2006, the TCEQ Executive Director (ED) filed exceptions to the ALJs' proposed Findings of Fact and Conclusions of Law, contained in the PFD and Order.
2. The ED's filed exceptions did not except to any of the ordering provisions in the Order.
3. The ED respectfully requests leave to file supplemental exceptions to the ALJ's Order regarding the application of Oak Grove Management Co., LLC for Proposed Air permit No. 76474 and PSD TX-1056.
4. This request should serve as no surprise or prejudice to any of the parties as it directly conforms to the ED's previously filed exceptions to Findings of Fact and Conclusions of Law.

2006 SEP 14 PM 4:06
CHIEF CLERK'S OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Respectfully Submitted,

Texas Commission on Environmental Quality

Glenn Shankle, Executive Director

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services

Robert Martinez, Division Director
Environmental Law Division



Erin Selvera, Staff Attorney
Environmental Law Division
State Bar No. 24043385
P. O. Box 13087, MC 173
Austin, Texas 78711-3087
(512) 239-6033

CERTIFICATE OF SERVICE

I certify that true and correct copies of the foregoing EXECUTIVE DIRECTOR'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL EXCEPTIONS TO THE ADMINISTRATIVE LAW JUDGES PROPOSAL FOR DECISION AND ORDER have been served on the following in the manner indicated below on this 13th day of September, 2006.

VIA: Hand Delivery
The Honorable Derek Seal
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VIA: Fax and email c/o Donna Swope
The Honorable Tom Walston
The Honorable Carol Wood
Administrative Law Judges
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Austin, TX 78701
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Donna.swope@soah.state.tx.us

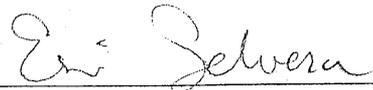
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Erin Selvera

CHIEF CLERKS OFFICE

2006 SEP 13 PM 4:06

TEXAS
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QUALITY

SOAH DOCKET NO. 582-06-1502
TCEQ DOCKET NO. 2006-0195-AIR

APPLICATION OF § BEFORE THE STATE OFFICE
OAK GROVE MANAGEMENT §
COMPANY, LLC FOR § OF
PROPOSED AIR PERMIT §
NO. 76474 AND PSD-TX-1056 § ADMINISTRATIVE HEARINGS

**EXECUTIVE DIRECTOR'S SUPPLEMENTAL EXCEPTIONS TO THE
ADMINISTRATIVE LAW JUDGES PROPOSAL FOR DECISION AND ORDER**

TO HONORABLE ADMINISTRATIVE LAW JUDGES CAROL WOOD AND TOM
WALSTON:

COMES NOW the Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) and files the Executive Director's Supplemental Exceptions to the Administrative Law Judges' (ALJs) Proposal for Decision (PFD) and Order and in support thereof shows the following:

1. The ED excepts to ordering provision No. 1 and respectfully requests that the phrase "denied" be revised to read "approved"
2. In the alternative, if the ALJs are not inclined to accept this exception, the ED respectfully requests that the ALJs recommend appropriate consideration be afforded to Texas Health and Safety Code § 382.0158 (d), which requires the Commission to set out its specific objections in a report to the applicant, allowing the applicant the opportunity to make any necessary changes to the plans and specifications necessary for permit issuance.

TEXAS
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2006 SEP 13 PM 4:14
CHIEF CLERKS OFFICE

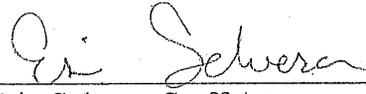
Respectfully Submitted,

Texas Commission on Environmental Quality

Glenn Shankle, Executive Director

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services

Robert Martinez, Division Director
Environmental Law Division



Erin Selvera, Staff Attorney
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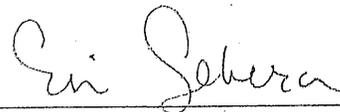
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