

# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

April 8, 2009

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

Re: SOAH Docket No. 582-08-1895; TCEQ Docket No. 2006-0571-MWD-E; In  
Assessing Administrative Penalties Against and Ordering Corrective Action by the City  
of Thornton

2009 APR -8 PM 4: 31  
CHIEF CLERKS OFFICE  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Dear Mr. Trobman:

Upon review of the proposed order in this proceeding, I discovered that the proposed order does not contain an ordering provision requiring the City of Thornton to pay \$48,480.00 in administrative penalties. I recommend that the following ordering provision be inserted into the proposed order as "Ordering Provision No. 1" and the subsequent ordering provisions renumbered accordingly:

1. Within 30 days after the effective date of this Order, the City of Thornton shall pay an administrative penalty in the amount of \$48,480.00 for Violation Nos. 1, 2, and 3 listed in this order, with the notation "CITY OF THORNTON, TCEQ DOCKET NO. 2006-0571-MWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088.

In the Proposed Order, there are Findings of Fact and Conclusions of Law to support this proposed ordering provision. The omission of this requirement from the ordering provisions was an oversight.

Sincerely,

KERRIE JO QUALTROUGH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

KJQ/ds  
Enclosures  
cc: Mailing List

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

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

**STYLE/CASE:** CITY OF THORNTON

**SOAH DOCKET NUMBER:** 582-08-1895

**REFERRING AGENCY CASE:** 2006-0571-MWD-E

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**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**ADMINISTRATIVE LAW JUDGE  
ALJ KERRIE QUALTROUGH**

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**REPRESENTATIVE / ADDRESS**

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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THORNTON, TX 76687  
(254) 385-6438 (PH)  
(254) 385-6204 (FAX)

CITY OF THORTON

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xc: Docket Clerk, State Office of Administrative Hearings

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

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REGARDING: **LETTER**

DOCKET NUMBER: **582-08-1895**

**JUDGE KERRIE QUALTROUGH**

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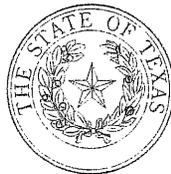
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TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2009 APR - 8 PM 4: 31

CHIEF CLERKS OFFICE

# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge  
March 31, 2009

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

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2009 APR - 1 AM 10:50  
CHIEF CLERKS OFFICE

Re: SOAH Docket No. 582-08-1895; TCEQ Docket No. 2006-0571-MWD-E; In Re:  
Assessing Administrative Penalties Against and Ordering Corrective Action by  
the City of Thornton

Dear Mr. Trobman:

On March 20, 2009, the Executive Director (ED) filed exceptions to the proposed order. The City of Thornton did not file exceptions or respond to the ED. After reviewing the ED's exceptions, the Administrative Law Judge (ALJ) makes the following recommended changes:

A. Introduction

1. The ED requested that the first sentence in the Introduction section of the proposed order be revised to read, ". . . Executive Director's First Amended Report and Petition (EDFARP) recommending that the Commission enter an order . . . ."

The ALJ recommends that this exception be sustained.

2. The ED requested that in the second sentence, second paragraph, the "m" in the term "mayor" be capitalized.

The ALJ recommends that this exception be overruled.

3. The ED requested that in the second paragraph, second sentence, last word be revised to add a "p" onto the word, "tem." The ED further requested that the letters "m," "p," and "t" be capitalized so that the term "mayor pro tem" be capitalized.

The ALJ recommends that this exception be overruled.

B. Findings of Fact

1. The ED requested that the first sentence of paragraph 2 be revised so that the reference to the "EDPRP" is replaced with "Executive Director's Preliminary Report and Petition (EDPRP)."

The ALJ recommends that this exception be sustained.

2. The ED requested that the "s" be removed from the word "solids" in the third sentence of Paragraph 9.

The ALJ recommends that this exception be overruled.

3. The ED requested that the reference to "EDPRP" in paragraph 14 be replaced with "EDFARP."

The ALJ recommends that this exception be sustained.

C. Conclusions of Law

1. The ED requested that "and" be added in paragraph 7 so that the phrase reads, "The TCEQ's regulations, 30 TAC §§ 305.125(1), (4), and (5) . . . ."

The ALJ recommends that this exception be sustained.

Sincerely,

  
KERRIE JO QUALTROUGH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

KJQ/ds  
Enclosures  
cc: Mailing List