

# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

November 7, 2008

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

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2008 NOV 10 AM 11:13  
CHIEF CLERKS OFFICE

Re: **SOAH Docket No. 582-07-2674; TCEQ Docket No. 2007-0362-IHW; In Re: Application of Texcom Gulf Disposal, L.L.C. for Texas Commission Environmental Quality Commission Industrial Solid Waste Permit No. 87758**

Dear Mr. Trobman:

This case is scheduled for consideration at the Commissioner's Open Meeting on November 19, 2008. Each party filed exceptions to the Proposal for Decision (PFD) issued in this case. After carefully considering these exceptions and the responses, we continue to recommend that the Commission grant the application of TexCom Gulf Disposal, L.L.C. for Solid Waste Permit No. 87758. If an exception is not specifically addressed below, the Administrative Law Judges (ALJs) did not find the exception persuasive.

The ALJs recommend that the following Findings of Fact (FF) and Conclusions of Law (CL) be modified as indicated below to correct any typographical errors or to clarify the record. The ALJs do not recommend any substantive changes to the PFD.

**Exception filed by TexCom Gulf Disposal, L.L.C. (TexCom) and the Executive Director (ED) as to FF No. 37**

TexCom requests that the word "Hearings" be added as the word was inadvertently omitted from the finding. The ED asked that the Finding specify the hearing locations. The amended Finding of Fact will read:

The hearing on the merits was held from December 12-18, 2007. The first three days of the hearing were conducted at the Montgomery County Commissioner's Court in Conroe, Texas and the last two days were conducted at the State Office of Administrative Hearings in Austin, Texas.<sup>1</sup>

<sup>1</sup> The change is underlined.

**Exceptions filed by TexCom**

**FF No. 59:** TexCom requests that an unnecessary word ("that") be removed from the finding. The ALJs agree this change is warranted and revise the Findings of Fact to read:

*A high-level visual and audible alarm will be installed on all Waste Storage/Mixing and Reaction Tanks and ~~that~~ fill-level indicators will also be attached to tanks*

**Exceptions filed by the ED**

**CL No. 14A:** Staff recommended adding a CL to require a special permit provision to the permit requiring the permittee to apply for a permit modification or amendment prior to relocating the truck entrance of the facility. The ALJs agrees that the addition of this CL is appropriate as this solid waste permit governs the design and construction of the surface facility and will integrate the special permit provision requiring the relocation of the truck entrance contained in the proposal for decision issued in SOAH Docket No. 582-07-2673 regarding the four non-hazardous industrial underground waste disposal wells (permit applications WDW410, WDW411, WDW412, and WDW413) at this facility. The additional Conclusion of Law will read:

*A special provision should be added to Permit No. 87758 requiring the permittee to apply for and receive a permit modification or amendment prior to relocating the truck entrance of the facility from Creighton Road to FM 3083.*

Sincerely,



Thomas H. Walston  
Administrative Law Judge



Catherine C. Egan  
Administrative Law Judge

/nl

cc: Mailing List

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**STYLE/CASE:** TEXCOM GULF DISPOSAL LLC

**SOAH DOCKET NUMBER:** 582-07-2673

**REFERRING AGENCY CASE:** 2007-0204-WDW

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**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**ADMINISTRATIVE LAW JUDGE  
ALJ THOMAS H. WALSTON**

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**Note: PLEASE NOTE: THIS CASE IS CONSOLIDATED WITH 582-07-2674.**

xc: Docket Clerk, State Office of Administrative Hearings