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November 29, 2010

Ms. LaDonna Castañuela  
Chief Clerk  
Texas Commission on Environmental Quality  
Bldg. F, Room 4301  
Austin, Texas 78753

**VIA HAND DELIVERY**

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2010 NOV 29 PM 1:00  
CHIEF CLERKS OFFICE

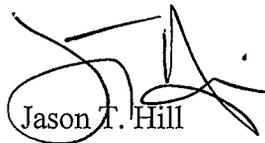
RE: SOAH Docket No. 582-07-2674, TCEQ Docket No. 2007-0362-IHW  
In Re: Application of Texcom Gulf Disposal, LLC, for Texas Commission on  
Environmental Quality Industrial Solid Waste Permit No. 87758.

Dear Ms. Castañuela:

Enclosed with this correspondence, please find the Lone Star Groundwater Conservation District's exceptions to the Proposal for Decision issued in the above-referenced contested case. As indicated below, a copy of this transmittal and the enclosed filing is being provided to Judge Egan and Judge Walston, as well as to the persons identified on the official SOAH service list for this particular application.

Please do not hesitate to let me know if you have any questions that I can address for you regarding this matter.

Respectfully submitted,

  
Jason T. Hill

JTH

ENCLOSURE

cc: The Honorable Catherine C. Egan  
The Honorable Thomas H. Walston  
Brian Sledge, *of the firm*  
Michael A. Gershon, *of the firm*  
*Service List*

SOAH DOCKET NO. 582-07-2674  
TCEQ DOCKET NO. 2007-0362-IHW

2010 NOV 29 PM 3:00

APPLICATION OF TEXCOM GULF § BEFORE THE STATE OFFICE  
DISPOSAL, L.L.C. FOR TEXAS §  
COMMISSION ON ENVIRONMENTAL § OF  
QUALITY COMMISSION INDUSTRIAL §  
SOLID WASTE PERMIT NO. 87758 § ADMINISTRATIVE HEARINGS

CHIEF CLERKS OFFICE

LONE STAR GROUNDWATER CONSERVATION DISTRICT'S  
EXCEPTIONS TO PROPOSAL FOR DECISION

TO THE HONORABLE COMMISSIONERS:

The Lone Star Groundwater Conservation District, protestant in the above-styled and numbered contested case (the "District"), excepts to the supplemental Proposal for Decision issued by the Administrative Law Judges (the "ALJs") in this matter, and would respectfully show the Commissioners the following:

In the Commissioners December 12, 2008 Interim Order issued in the above-styled and numbered matter (the "IHW Interim Order"), the Commissioners ordered a remand of the application back to the State Office of Administrative Hearings ("SOAH") for the purpose of "taking any additional evidence needed to determine if the surface facility permit satisfies applicable standards..." As noted in the District's Closing Argument, and as recognized by the Administrative Law Judges in their supplemental Proposal for Decision,<sup>1</sup> neither TexCom Gulf Disposal, LLC ("TexCom") nor the TCEQ Executive Director have offered any additional evidence on the standards applicable to TexCom's proposed surface facilities during this remand hearing.

<sup>1</sup> Supplemental Proposal For Decision Following The Remand Hearing, In Re: Application of Texcom Gulf Disposal, LLC, for Texas Commission on Environmental Quality Industrial Solid Waste Permit No. 87758; SOAH Docket No. 582-07-2674, TCEQ Docket No. 2007-0362-IHW at 4.

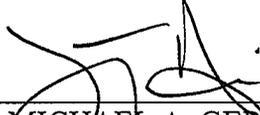
The District maintains that there continues to be insufficient regulatory guidance directing an appropriate technical analysis of the above-referenced application. Accordingly, it incorporates herein by reference its Exceptions to the State Office of Administrative Hearings' Proposal For Decision and Findings of Fact and Conclusions of Law submitted following the conclusion of the first evidentiary hearing in this matter, and it again urges the Commissioners to deny the above-referenced application.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE &  
TOWNSEND, P.C.**

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By: \_\_\_\_\_

  
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**ATTORNEYS FOR THE LONE STAR  
GROUNDWATER CONSERVATION  
DISTRICT**

CERTIFICATE OF SERVICE

SOAH Docket No. 582-07-2674;  
TCEQ Docket No. 2007-0362-IHW

I hereby certify that on this the 29th day of November, 2010, a true and correct copy of the foregoing document was provided by hand delivery, first class mail, facsimile, or email to the persons listed below.

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JASON HILL