

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

May 19, 2011

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2011 MAY 19 AM 8:37

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

VIA FACSIMILE NO. 512/239-3311

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

Re SOAH Docket No. 582-08-0523; TCEQ Docket No. 2007-0768- AIR-E; In
the Matter of an Enforcement Action against Advantage Asphalt Products,
Ltd.

Dear Mr. Trobman:

The Administrative Law Judge (ALJ) reviewed the Executive Director's (ED's) Exceptions to the Proposed Order (ED's Exceptions), and the Exceptions of Advantage Asphalt Products, Ltd. (Advantage Respondent) to the Proposal for Decision (PFD). The ALJ also reviewed ED's Reply to Respondent's Exceptions, the Respondent's Objections and Response to the ED's Reply, and the ED's Sur-Reply to the Respondent's Objections and Response to the ED's Reply to the Respondent's Exceptions. The ALJ agrees with the ED's non-substantive Exceptions, and recommends that the Proposed Order be changed to conform with the ED's five exceptions. For the reasons stated in the PFD, the ALJ believes the PFD and the Proposed Order correctly apply the applicable statutes and promulgated rules to the facts set forth in the evidentiary record. The basis for the remainder of the exceptions were previously considered by the ALJ when he drafted the PFD and Proposed Order; therefore, the PFD and Proposed Order will not be further changed.

Sincerely,

Stephen J. Pacey
Administrative Law Judge

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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DOCKET NUMBER: 582-08-0523

JUDGE STEPHEN J PACEY

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