

SOAH DOCKET NO. 582-08-1502
TCEQ DOCKET NO. 2007-0099-MIS

2008 AUG 18 PM 4:16

DESTINATION OF THE	§	STATE OFFICE	
CENTRAL TEXAS TRINITY	§		CHIEF CLERKS OFFICE
AQUIFER PRIORITY	§	OF	
GROUNDWATER MANAGEMENT	§		
AREA	§	ADMINISTRATIVE HEARINGS	

EXECUTIVE DIRECTOR'S COMMENTS ON THE ORDER

The Executive Director of the Texas Commission on Environmental Quality (TCEQ) believes that the Judge's Proposal for Decision (PFD) and Proposed Order are correct. He provides these comments and proposed corrections on the Proposed Order.

PFD:

The Executive Director disagrees with the statement in the PFD on page 11, Section 5a, second paragraph, that the Executive Director did not respond to Coryell County's concerns about the alleged underestimate of water usage for the sixteen county study area, the failure of the studies to consider increasing water use requirement of Fort Hood, or the inconsistencies in the various data bases upon which the reports rely. The Executive Director argued that the Executive Director relied on the best available data. While more data may be obtained in the future, the PGMA process needed to go forward with the data available at the time. As the Administrative Law Judge states on p. 13, Section V.A., Mr. Byrd's study is a careful and thorough examination of the then-most current information available.

The Executive Director also disagrees with the statement on page 15, Section 2, that no single groundwater conservation district recommendation was made. The Executive Director recommended two GCDs if the McLennan County GCD and/or Tablerock GCD are confirmed in the next two years, and one GCD over the entire five county area if they are not.

Order:

On page 5 of the Proposed Order, Finding of Fact No. 27, lines 2 and 3, "done" should be deleted.

On page 5, Finding of Fact No. 28, the Clearwater District should be the "Clearwater Underground Water Conservation District."

On page 7, Finding of Fact No. 41, line 4, the Executive Director requests that the phrase "transferring groundwater out of the districts" be changed to "regulating transfers of groundwater out of the districts." This would make it clearer that the districts are not themselves transferring water, but are regulating that transfer.

On page 10, Finding of Fact No. 3 under "PGMA Designation," the Executive Director requests that the Finding end on line 4 after the word "groundwater." The evidence does not show a substantial subsidence or contamination problem.

Respectfully submitted,

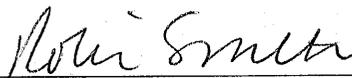
Texas Commission on Environmental Quality

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By



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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
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CERTIFICATE OF SERVICE

I certify that on August 18, 2008, the "Executive Director's Comments on the Order," was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk, and the State Office of Administrative Hearings, and a complete copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, or by deposit in the U.S. Mail.

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TEXAS
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SOAH Docket No. 582-08-1502
TCEQ Docket No. 2007-0099-MIS

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