

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

April 12, 2010

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

VIA FACSIMILE NO. 512-239-5533

2010 APR 12 AM 11:53
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re: SOAH Docket No. 582-08-4290; TCEQ Docket No. 2008-0473-MWD; In Re: In the Matter of the Application of South Central Water Company for Proposed Texas Pollutant Discharge Elimination System, Permit No. WQ0014804001

Dear Mr. Trobman:

The Administrative Law Judge (ALJ) reviewed the exceptions to his proposal for decision and does not recommend any substantive changes. The ALJ, however, incorporates the non-substantive changes recommended by the Executive Director of the Texas Commission on Environmental Quality as follows:

On Page 4 and Finding of Fact 15, the references to Title 30 of the Texas Administrative Code, Chapter 317 should be replaced with Title 30 of the Texas Administrative Code, Chapter 217 (Chapter 317 was repealed and replaced with Chapter 217—Mr. Ince, however, incorrectly referred to Chapter 317)

On Page 8, the sentence, "The treated effluent will be *the* source of the fresh water" should be changed to "The treated effluent will be *a* source of the fresh water" [italics added].

In Finding of Fact 17, delete the word "both" in the parenthetical so that Finding of Fact 17 now reads, "The wetlands along the Gulf Coast need fresh water flows (natural and manmade) to remain healthy."

Finding of Fact 35 should be changed to read, "TCEQ sets the water quality standards for water in the state."

Sincerely,

Michael J O'Malley
Administrative Law Judge

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STYLE/CASE: SOUTH CENTRAL WATER COMPANY
SOAH DOCKET NUMBER: 582-08-4290
REFERRING AGENCY CASE: 2008-0473-MWD

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ADMINISTRATIVE LAW JUDGE
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04/12/2010

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NUMBER OF PAGES INCLUDING THIS COVER SHEET:

4

REGARDING:

EXCEPTIONS LETTER (BY ALJ)

DOCKET NUMBER:

582-08-4290

JUDGE MICHAEL J O'MALLEY

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