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State Office of Administrative Hearings

Cathleen Parsley
Chief Administrative Law Judge

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2011 MAY -2 PM 4:15
CHIEF CLERKS OFFICE

May 2, 2011

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

VIA FASIMILE NO. 239-5533

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

Dear Mr. Trobman:

On April 4, 2011, the Administrative Law Judge issued the remand proposal for decision in this case. Exceptions to the remand proposal for decision were due April 25, 2011. No party filed exceptions.

Sincerely,

Michael J. O'Malley

Michael J. O'Malley
Administrative Law Judge

MJO/pp
cc: Mailing List

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AGENCY: Environmental Quality, Texas Commission on (TCEQ)

STYLE/CASE: SOUTH CENTRAL WATER COMPANY

SOAH DOCKET NUMBER: 582-08-4290

REFERRING AGENCY CASE: 2008-0473-MWD

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DATE: **05/02/2011**

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REGARDING: **LETTER FOR REMAND EXCEPTIONS**

DOCKET NUMBER **582-08-4290**

JUDGE MICHAEL J OMALLEY

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State Office of Administrative Hearings

Cathleen Parsley
Chief Administrative Law Judge

April 12, 2010

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 APR 12 AM 11:47
CHIEF CLERKS OFFICE

VIA FACSIMILE NO. 512/239-6533

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

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

Michael J O'Malley
Administrative Law Judge

MJO/sb
cc: Mailing List

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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STYLE/CASE: SOUTH CENTRAL WATER COMPANY

SOAH DOCKET NUMBER: 582-08-4290

REFERRING AGENCY CASE: 2008-0473-MWD

STATE OFFICE OF ADMINISTRATIVE HEARINGS

ADMINISTRATIVE LAW JUDGE
ALJ MICHAEL J. OMALLEY

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REGARDING: **EXCEPTIONS LETTER (BY ALJ)**

DOCKET NUMBER: **582-08-4290**

JUDGE MICHAEL J OMALLEY

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