

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 22, 2008

VIA HAND DELIVERY

Ms. LaDonna Castañuela, Chief Clerk
Office of Chief Clerk
Texas Commission on Environmental Quality MC 105
P.O. Box. 13087
Austin, TX 78711-3087

RE: SOAH Docket No. 582-08-4359
TCEQ Docket No. 2008-0559-MWD
City of Castroville: Amendment to TLAP Permit No. WQ0010952001
Executive Director's Special Exception to Correct Citations in the Order Attached to the Proposal for Decision in this Case

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 DEC 22 AM 11:55
CHIEF CLERKS OFFICE

Dear Ms. Castañuela:

Enclosed for filing in the above styled application and docket numbers please find an original and 7 copies of the "Executive Director's Special Exception to Correct Citations in the Order Attached to the Proposal for Decision in this Case."

If you have any questions or comments, please call me at 239-5487.

Thank you for your attention to this matter.

Sincerely,

D. A. Chris Ekoh, Staff Attorney
Environmental Law Division, MC 173

Enclosures

cc: Mailing list (attached)

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

SOAH DOCKET NUMBER 582-08-4359
TCEQ DOCKET NUMBER 2008-0559-MWD

2008 DEC 22 AM 11:59

CHIEF CLERKS OFFICE

Application by the	§	
CITY OF CASTROVILLE for a Major	§	BEFORE THE
AMENDMENT TO TLAP	§	TEXAS COMMISSION ON
PERMIT NO. WQ0010952001	§	ENVIRONMENTAL QUALITY

**EXECUTIVE DIRECTOR'S SPECIAL EXCEPTION TO CORRECT CITATIONS IN
THE ORDER ATTACHED TO THE PROPOSAL FOR DECISION IN THIS CASE**

The Executive Director of the Texas Commission on Environmental Quality (TCEQ) files this Special Exception for the limited purpose of correcting two citations contained in the order attached to the Proposal for Decision in this case.

On Page 3, Section II(1) of the "Order Concerning the Application by City of Castroville for Amendment to TPDES Permit No. WQ0010952001," the Administrative Law Judge (ALJ) stated that:

The Commission has jurisdiction over permits for waste treatment facilities pursuant to TEX. WATER CODE ANN. (Code) ch. 361 and 30 TEX. ADMIN. CODE (TAC) ch. 332.

(Emphasis added). The Executive Director believes that the ALJ intended to cite TEX. WATER CODE ANN. ch. 26 and 30 TEX. ADMIN. CODE chs. 305, 307, 308, or 309. (Emphasis added).

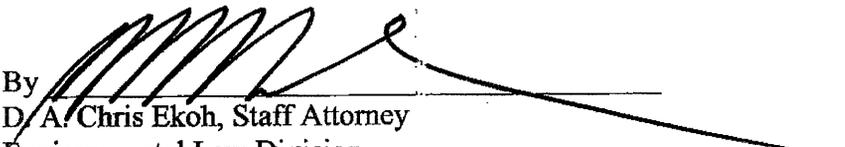
The Executive Director respectfully requests that the ALJ file an amended order referencing the correct sections of the Texas Water Code and the Commission rules implementing the code.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Mark R. Vickery, P.G., Executive Director

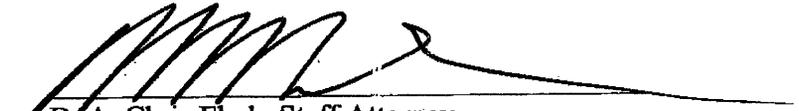
Robert Martinez, Director
Environmental Law Division

By 
D. A. Chris Ekoh, Staff Attorney
Environmental Law Division
State Bar No. 06507015
P.O. Box 13087, MC-173
Austin, Texas 78711-3087
Telephone No. (512) 239-5487
Facsimile No. (512) 239-0606

Representing the Executive Director,
Texas Commission on Environmental Quality

CERTIFICATE OF SERVICE

I certify that on December 22, 2008, a true and correct copy of the foregoing "Executive Director's Special Exception to Correct Citations in the Order Attached to the Proposal for Decision in this Case" was filed with the Office of the Chief Clerk and sent by first class, agency mail and/or facsimile to the persons listed in the mailing list below.


D. A. Chris Ekoh, Staff Attorney
Environmental Law Division

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 DEC 22 AM 11:59
CHIEF CLERKS OFFICE

**MAILING LIST FOR
SOAH DOCKET NUMBER 582-08-4359
TCEQ DOCKET NUMBER 2008-0559-MWD
CITY OF CASTROVILLE, PERMIT NO. WQ0010952001**

The Honorable Judge Scudday
State Office of Administrative Hearings
300 West 15th Street, Suite 502
Austin, Texas 78701
Tel: (512) 475-4993
Fax: (512) 475-4994

For the City of Castroville:

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Akers & Boulware-Wells, LLP
816 Congress Avenue, Suite 1725
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Tel: (512) 404-7880
Fax: (512) 320-5638

For Texas River Protection Association
And Harvey Lee Kunze:

Mr. Bill Bunch
Save Our Springs Alliance
221 E. 9th St., Suite 300
Austin, Texas 78701
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For the Executive Director:

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For the Office of Public Assistance:

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Texas Commission on Environmental Quality
Office of Public Assistance MC-108
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For the Chief Clerk:

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Office of Chief Clerk MC-105
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For the Office of Public Interest Council

Eli Martinez
Texas Commission on Environmental Quality
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FAX TRANSMITTAL

DATE: December 22, 2008 NUMBER OF PAGES (including this cover sheet): 6

TO: Name Mailing list

Organization _____

FAX Number _____

FROM: **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

Name Chris Ekoh

Division/Region Environmental Law

Telephone Number (512) 239-0600

FAX Number (512) 239-0606

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 CHIEF CLERK'S OFFICE
 2008 DEC 22 AM 11:59

NOTES:

City of Castroville, Permit No. WQ0010952001
 SOAH Docket No. 582-08-4359; TCEQ Docket No. 2008-0559-MWD

Executive Director's Special Exception to Correct Citations in the
 Order Attached to the Proposal for Decision in this case

- Honorable Judge Scudday (512) 475-4994
- Ms. Barbara Boulware- Wells (512) 320-5638
- Mr. Bill Bunch (512) 477-6410
- Bridget Bohac (512) 239-4007
- LaDonna Castenuela (512) 239-3311
- Eli Martinez (512) 239-6377