

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

May 11, 2010

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

Re: SOAH Docket No. 582-10-2070; TCEQ Docket No. 2009-1691-AIR; In Re: Application by East Texas Precast Co., LTD., for Registration and Approval to Use the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 86593

Dear Mr. Trobman:

This is my response to the proposed revisions filed to my Proposal for Decision (PFD) in the above case by the Executive Director (ED) and to the exceptions and motion for rehearing filed by the Protestants and other hearing requestors. East Texas Precast Co., Ltd., did not file exceptions, but it and the ED oppose the exceptions and request for rehearing submitted by the Protestants and other hearing requestors.

I recommend that you grant all of the ED's exceptions except the one to Finding of Fact (FOF) No. 10. While Esel D. Bell was not present at the beginning of the preliminary hearing, his counsel later referred to his being there. For that reason I wrote in FOF 10 that he was present at the preliminary hearing.

I recommend that you deny all of the exceptions to the PFD filed by the Protestants and other hearing requestors. Additionally, to the extent that it concerns the preliminary hearing that I held, I recommend that you deny their request for rehearing. To the extent they request a rehearing on the Commission's denial of requests for hearing that were never sent to me, I have no recommendation on that request.

Sincerely,

A handwritten signature in black ink that reads "William G. Newchurch".

William G. Newchurch
Administrative Law Judge

WGN:nl
cc: Mailing List

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STYLE/CASE: EAST TEXAS PRECAST CO
SOAH DOCKET NUMBER: 582-10-2070
REFERRING AGENCY CASE: 2009-1691-AIR

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HEARINGS**

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PROTESTANTS

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