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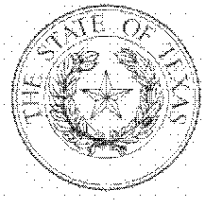

Cathleen Parsley
Chief Administrative Law Judge

June 23, 2011

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

Re: SOAH Docket No. 582-11-0541; TCEQ Docket No. 2010-0157-PST-E; In Re: Executive Director of the Texas Commission on Environmental Quality v. David Higginbotham and Katha Higginbotham

Dear Mr. Trobman:

On May 18, 2011, I submitted to you my Proposal for Decision and Proposed Order in the above-referenced case and sent copies to the parties. The Executive Director (ED) of the Texas Commission on Environmental Quality filed exceptions to the Proposed Order. David and Katha Higginbotham did not file exceptions or a reply to the ED's exceptions.

I have reviewed the exceptions and agree that Finding of Fact No. 2 should be amended to reflect that there are three underground storage tanks at the Facility. With this change, the Proposal for Decision and Proposed Order are ready for your consideration.

Sincerely,

Rebecca S. Smith

Rebecca S. Smith
Administrative Law Judge

RSS/Ls
cc: Mailing List

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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DATE: **06/23/2011**

NUMBER OF PAGES INCLUDING THIS COVER SHEET: **3**

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

DOCKET NUMBER: **582-11-0541**

JUDGE REBECCA SMITH

FAX TO:	FAX TO:
BLAS J. COY, JR. (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)	(512) 239-6377
TAMMY L. MITCHELL (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)	(512) 239-3434
DAVID & KATHA HIGGINBOTHAM	VIA REGULAR MAIL

TCEQ Docket Clerk, Fax Number 512/239-3311
NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT ELIZABETH SLICK(lsl) (512) 475-4993

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300 West 15th Street Suite 502
Austin, Texas 78701
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AGENCY: **Environmental Quality, Texas Commission on (TCEQ)**

STYLE/CASE: **DAVIDHIGGINBOTHAM AND KATHA HIGGINBOTHAM**

SOAH DOCKET NUMBER: **582-11-0541**

REFERRING AGENCY CASE: **2010-0157-PST-E**

STATE OFFICE OF ADMINISTRATIVE HEARINGS	**ADMINISTRATIVE LAW JUDGE** **ALJ REBECCA SMITH**
REPRESENTATIVE / ADDRESS	**PARTIES**
BLAS J. COY, JR. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY OFFICE OF PUBLIC INTEREST COUNSEL P.O. BOX 13087, MC-103 AUSTIN, TX 78711-3087 (512) 239-6363 (PH) (512) 239-6377 (FAX) bcoy@tceq.state.tx.us	TCEQ PUBLIC INTEREST COUNSEL
TAMMY L. MITCHELL TEXAS COMMISSION ON ENVIRONMENTAL QUALITY LITIGATION DIVISION P.O. BOX 13087 AUSTIN, TX 78711-3087 (512) 239-0736 (PH) (512) 239-3434 (FAX)	TCEQ EXECUTIVE DIRECTOR
DAVID & KATHA HIGGINBOTHAM 11231 ROSE ROAD CONROE, TX 77303	DAVID & KATHA HIGGINBOTHAM

Liz Slick

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