

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*



Blas J. Coy, Jr., *Public Interest Counsel*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 29, 2011

Melissa Chao, Acting Chief Clerk  
Texas Commission on Environmental Quality  
Office of the Chief Clerk (MC-105)  
P.O. Box 13087  
Austin, Texas 78711-3087

**RE: NAVARRO GENERATING, LLC**  
**SOAH DOCKET NO. 582-10-5940**  
**TCEQ DOCKET NO. 2010-0403-IWD**

Dear Ms. Chao:

Enclosed for filing is the Office of Public Interest Counsel's Exceptions to the Proposal for Decision in the above-entitled matter.

Sincerely,

A handwritten signature in cursive script that reads "Amy Swanholm".

Amy Swanholm, Attorney  
Assistant Public Interest Counsel

cc: Mailing List

Enclosure



**TCEQ DOCKET NO. 2010-0403-IWD  
SOAH DOCKET NO. 582-10-5940**

<b>IN THE MATTER OF</b>	<b>§</b>	<b>BEFORE THE TEXAS</b>
<b>THE APPLICATION OF</b>	<b>§</b>	<b>COMMISSION ON</b>
<b>NAVARRO GENERATING,</b>	<b>§</b>	<b>ENVIRONMENTAL</b>
<b>LLC FOR PERMIT NO.</b>	<b>§</b>	<b>QUALITY</b>
<b>WQ0004870000</b>	<b>§</b>	

**THE OFFICE OF PUBLIC INTEREST COUNSEL'S EXCEPTIONS TO  
THE PROPOSAL FOR DECISION**

TO THE HONORABLE JUDGE SARAH RAMOS AND TCEQ COMMISSIONERS:

COMES NOW, the Office of Public Interest Counsel (OPIC) of the Texas Commission on Environmental Quality (the Commission or TCEQ) with its Exceptions to the Proposal for Decision.

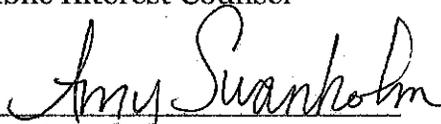
OPIC respectfully requests the Commission adopt the Proposal for Decision recommending that this matter be dismissed without prejudice under 30 TAC § 80.25(e)(2).and the Applicant reimburse Buddy Green's expenses of \$363.33.

Parties have already been named in this proceeding, and those named parties have been unable to agree in writing to a withdrawal without prejudice. No other parties besides Buddy Green have actively opposed the withdrawal without prejudice, nor have any other parties besides Mr. Green requested the Applicant reimburse them for expenses. If the Applicant were to reimburse Mr. Green, OPIC sees no bar to allowing the Applicant to withdraw without prejudice. Further, Mr. Green's requested expenses are reasonable and would not overly burden the Applicant. Finally, if the Applicant reapplies for the TPDES permit, Mr. Green would have to incur similar costs to protest the application.

Therefore OPIC finds it reasonable for the Applicant to reimburse Buddy Green \$363.33. If the Applicant reimburses Mr. Green, the matter may be dismissed without prejudice under 30 TAC § 80.25(e)(2).

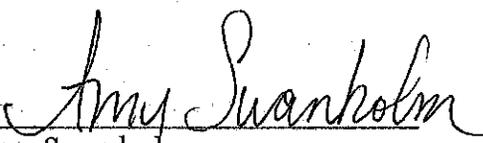
Respectfully submitted,

Blas J. Coy, Jr.  
Public Interest Counsel

By:   
Amy Swanholm  
Assistant Public Interest Counsel  
State Bar No. 24056400  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 29, 2011 the original copy of the Office of the Public Interest Counsel's Exceptions to the Proposal for Decision was filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, Inter-Agency Mail or by deposit in the U.S. Mail.

  
Amy Swanholm

**MAILING LIST**  
**NAVARRO GENERATING, LLC**  
**SOAH DOCKET NO. 582-10-5940**  
**TCEQ DOCKET NO. 2010-0403-IWD**

The Honorable Sarah G. Ramos  
Administrative Law Judge  
State Office of Administrative Hearings  
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*Representing: Parties within One Mile of  
Proposed Plant*

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*Representing: Parties more than One Mile  
but less than Three Miles from the Proposed  
Plant*

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