

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

April 13, 2011

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

VIA FACSIMILE NO. 512/239-5533

Re: SOAH Docket No. 582-10-5281; TCEQ Docket No. 2010-0660-AIR; Application by Tommy Davis d/b/a Slick Machines for TCEQ Air Permit No. 82199L002

Dear Mr. Trobman:

The Protestants have filed exceptions to the Proposal for Decision (PFD) issued by me in this case on March 3, 2011. No other parties have filed exceptions. I have reviewed Protestants' exceptions and would offer some brief comments. First, Protestants' exceptions do not actually disagree with my recommendation or proposed findings of fact or conclusions of law. Rather, Protestants request that an additional ordering paragraph be included in the final order issued by the Texas Commission on Environmental Quality (TCEQ or Commission) in this matter. This additional ordering paragraph goes beyond the scope of what was referred for a contested case hearing in this proceeding, and instead relates to potential future permitting actions. Because Protestants' concern does not specifically relate to the issues referred in this proceeding, I take no position on it and I make no recommendation for changes to the PFD or the proposed findings and conclusions.

As usual, I anticipate appearing at the Commission's open meeting when it discusses my PFD, and will be happy to answer any questions that may be presented to me at that time.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig R. Bennett".

Craig R. Bennett
Administrative Law Judge

CRB/lc
cc: Mailing List

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AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: TOMMY DAVIS / SLICK MACHINES
SOAH DOCKET NUMBER: 582-10-5281
REFERRING AGENCY CASE: 2010-0660-AIR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
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