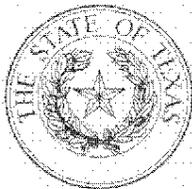


State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

March 21, 2012

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

**Re: SOAH Docket No. 582-11-7891; TCEQ Docket No. 2011-0025-PST-E; In Re:
Executive Director of the Texas Commission on Environmental Quality,
Petitioner v. Joe Westmoreland d/b/a Athens Radiator & Tire, Respondent**

Dear Mr. Trobman:

The Administrative Law Judge (ALJ) has read the Executive Director's (ED) exceptions and suggested modifications to the Proposal for Decision issued February 7, 2012. The ALJ respectfully declines to change the penalty calculation and associated findings of fact. However, the ALJ agrees that certain findings of fact contain minor errors. Accordingly, the ALJ recommends the following suggested modifications, which are numerically listed in the ED's exceptions: Nos. 1 and 6 through 11.

Sincerely,

A handwritten signature in black ink, appearing to read "Lilo D. Pomerleau".

Lilo D. Pomerleau
Administrative Law Judge

LDP:nl
cc: Mailing List

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AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: JOE WESTMORELAND / RADIATOR & TUBE
SOAH DOCKET NUMBER: 582-11-7891
REFERRING AGENCY CASE: 2011-0025-PST-E

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ LILO D. POMERLEAU**

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