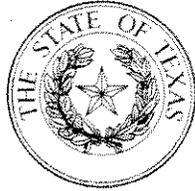


# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

March 7, 2013

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. 582-12-3294; TCEQ Docket No. 2011-0667-MWD-E;  
In Re: Executive Director of the Texas Commission on Environmental Quality v.  
West Houston Airport Corporation

Dear Mr. Trobman:

I have reviewed the exceptions and responses to exceptions to my Proposal for Decision and Proposed Order and I recommend only one change. I recommend that Finding of Fact No. 24 be corrected by changing the date from April 20, 2012, to April 20, 2011.

I have considered the Executive Director's argument that if the Commission should decide to reduce the ED's proposed penalty of \$125,750.00, it should be reduced to either \$89,650.00 or \$44,650.00 rather than \$24,500.00, and I affirm my finding that a penalty of \$24,500.00 is appropriate based on the entirety of the record evidence. However, the final determination of the proper sanction is clearly within the Commission's authority and discretion.

Sincerely,

A handwritten signature in cursive script that reads "Richard R. Wilfong".

Richard R. Wilfong  
Administrative Law Judge

RRW/ls  
cc: Mailing List

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

**AUSTIN OFFICE**

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**SERVICE LIST**

**AGENCY:** Environmental Quality, Texas Commission on (TCEQ)  
**STYLE/CASE:** WEST HOUSTON AIRPORT CORP  
**SOAH DOCKET NUMBER:** 582-12-3294  
**REFERRING AGENCY CASE:** 2011-0667-MWD-E

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**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**ADMINISTRATIVE LAW JUDGE  
ALJ RICHARD WILFONG**

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**REPRESENTATIVE / ADDRESS**

**PARTIES**

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