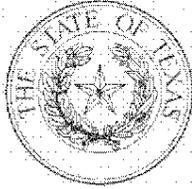


State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

October 19, 2012

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

VIA FACSIMILE: 239-5533

Re: SOAH Docket No. 582-12-5301; TCEQ Docket No. 2011-2199-IWD; In Re: Application of Southwestern Electric Power Company for Renewal and Major Amendment of TPDES Permit No. WQ0002496000

Dear Mr. Trobman:

I have reviewed the exceptions and replies to exceptions to my Proposal for Decision and Proposed Order and recommend no changes except for the following non-substantive corrections and clarifications:

On the first page of the Proposal for Decision the reference to Texas Pollution Discharge Elimination System should be changed to Texas Pollutant Discharge Elimination System.

The same change as above should be made on the first page of the Proposed Order.

Finding of Fact No. 1: In the first sentence, after "to authorize" and "(a)" to begin the list of requested changes to the permit in SWEPCO's Application.

Finding of Fact No. 3: Subdivision (4) should be changed to "(4) imposes a more stringent liner requirement;"

Finding of Fact No. 9: The following sentence should be added, "No party objected to notice or jurisdiction, and the ALJ found that notice was proper and assumed jurisdiction of this case."

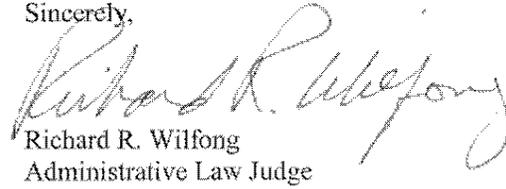
Finding of Fact No. 21: "along" appearing on the third line should be replaced with "near."

Finding of Fact No. 45: On the second line, the word "branch" should be replaced with "Branch."

Conclusion of Law No. 1: The cite to the Texas Water Code should include § 26.027.

Conclusion of Law No. 3: “and Code § 5.115.” should be added.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard R. Wilfong".

Richard R. Wilfong
Administrative Law Judge

RRW/lr

cc: Mailing List

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STYLE/CASE: SOUTHWESTERN ELECTRIC POWER COMPANY
SOAH DOCKET NUMBER: 582-12-5301
REFERRING AGENCY CASE: 2011-2199-IWD

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
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