

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 10, 2012

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

Re: **Southwestern Electric Power Company**
TCEQ DOCKET NO. **2011-2199-IWD**
SOAH DOCKET NO. **582-12-5301**

Dear Ms. Bohac,

Enclosed for filing is the Executive Director's Special Exception to Correct References in the Proposal for Decision and Order in this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Fur".

For
D. A. Chris Ekoh, Senior Attorney
Environmental Law Division
State Bar No. 06507015

cc: Mailing List

Enclosure

SOAH DOCKET NO. 582-12-5301
TCEQ DOCKET NO. 2011-2199-IWD

APPLICATION OF	§	BEFORE THE STATE OFFICE
SOUTHWESTERN ELECTRIC	§	
POWER COMPANY FOR	§	
RENEWAL AND MAJOR	§	OF
AMENDMENT OF TPDES	§	
PERMIT	§	
NO. WQ0002496000	§	ADMINISTRATIVE HEARINGS

**EXECUTIVE DIRECTOR'S SPECIAL EXCEPTION TO CORRECT REFERENCES IN
THE PROPOSAL FOR DECISION AND ORDER IN THIS CASE**

The Executive Director of the Texas Commission on Environmental Quality (TCEQ) files this Special Exception for the limited purpose of correcting two references to "Pollution" instead of "Pollutant," contained in the Proposal for Decision (PFD) and the order attached to the PFD in this case.

On Page 1, Section I of the "Proposal for Decision Concerning the Application of Southwestern Electric Power Company for Renewal and Major Amendment of TPDES permit No. WQ0002496000," the Administrative Law Judge (ALJ) stated that:

"Southwestern Electric Power Company (SWEPCO or Applicant) operates the Henry W. Pirkey Power Plant (Pirkey Power Plant)... pursuant to Texas Pollution Discharge Elimination System (TPDES) Permit No. WQ0002496000.

(Emphasis added). On Page 1 of the "Order Concerning the Application of Southwestern Electric Power Company for Renewal and Major Amendment of TPDES permit No. WQ0002496000," the Administrative Law Judge (ALJ) stated that:

"On _____, the Texas Commission on Environmental Quality (TCEQ or Commission) considered the requests for hearing by Sierra Club and Public Citizen... relating to the application of Southwestern Electric Power Company for Renewal and Major Amendment to Texas Pollution Discharge Elimination System (TPDES) Permit No. WQ0002496000..."

(Emphasis added). The Executive Director believes that the ALJ intended to reference the Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002496000. (Emphasis added).

The Executive Director respectfully requests that the ALJ file an amended PFD and Order referencing the Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002496000.

Respectfully submitted,

Texas Commission on Environmental
Quality

Zak Covar,
Executive Director

Robert Martinez, Director
Environmental Law Division



For

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REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS
COMMISSION ON ENVIRONMENTAL
QUALITY

CERTIFICATE OF SERVICE

I certify that on September 10, 2012, the "Executive Director's Special Exception to Correct References in the Proposal for Decision and Order in this case." for Permit No. WQ0002496000 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk and served to all other parties by facsimile.



For

D. A. Chris Ekoh, Senior Attorney
Environmental Law Division
State Bar No. 06507015

**SOAH Docket No. 582-12-
5301
TCEQ Docket No. 2011-2199-
IWD**

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