

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

November 18, 2013

The Honorable Administrative Law Judges
Penny A. Wilkov and Travis Vickery
State Office of Administrative Hearings
300 West 15th Street, Suite 502
P.O. Box 13025
Austin, TX 78711-0325

Re: SOAH Docket No. 582-12-6347; TCEQ Docket No. 2012-0971-AIR
Contested Case Hearing for Application by EOG Resources, Inc. for Air Quality Permit
No. 95412
Executive Director's Reply to Exceptions to the Administrative Law Judges' Proposal for
Decision and Order

Dear Judge Wilkov and Judge Vickery:

Enclosed please find the Executive Director's Reply to Exceptions to the Administrative Law
Judges' Proposal for Decision and Order for the contested case hearing listed above. If you have
any questions, please do not hesitate to call me at (512) 239-2253.

Sincerely,

A handwritten signature in cursive script that reads "Douglas Brown".

Douglas Brown,
Staff Attorney
Environmental Law Division

Enclosures

**SOAH DOCKET NO. 582-12-6347
TCEQ DOCKET NO. 2012-0971-AIR**

APPLICATION BY	§	BEFORE THE STATE OFFICE
EOG RESOURCES, INC.	§	
PROPOSED AIR	§	OF
QUALITY PERMIT NO. 95412	§	
	§	ADMINISTRATIVE HEARINGS

**EXECUTIVE DIRECTOR'S REPLY TO EXCEPTIONS TO THE
ADMINISTRATIVE LAW JUDGES' PROPOSAL FOR DECISION AND ORDER**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES PENNY WILKOV AND
TRAVIS VICKERY:

COMES NOW, the Executive Director (ED) of the Texas Commission on
Environmental Quality (Commission or TCEQ) and files the Executive Director's Reply
to Exceptions to the Administrative Law Judges' (ALJs) Proposal for Decision and
Order, and in support thereof shows the following:

Reply to Exceptions

After reviewing the parties' exceptions, the ED believes generally that issues raised in
the exceptions have been sufficiently addressed in previous briefs. However, the ED
would like to provide clarity regarding one issue.

The ED concurs with Protestants' assertion that the Draft Permit contains no
requirement that Applicant pave roads.¹ As stated in the ED's exceptions, the ED
maintains that BMP for roads is cleaning and spraying with water, whether paved or
unpaved.² To the extent that any portion of the ALJ's PFD or proposed order (including
Findings of Fact 28(i), 46, 47, and 48), states or implies that BMP for roads is paving
them or that the Draft Permit requires the paving of roads, the ED respectfully

¹ Protestants' Exceptions at 8.

² ED's Exceptions at 3.

EOG RESOURCES, INC.
APPLICATION FOR AIR QUALITY PERMIT NO. 95412
SOAH DOCKET NO. 582-12-6347; TCEQ DOCKET NO. 2012-0971-AIR
THE EXECUTIVE DIRECTOR'S REPLY TO EXCEPTIONS TO THE ADMINISTRATIVE LAW
JUDGES' PROPOSAL FOR DECISION AND ORDER
Page 2 of 2

disagrees. The record reflects that Applicant has agreed to pave in-plant roads, and the Draft Permit in no way prohibits any commitment by Applicant to pave roads.³ However, requiring the paving of roads is beyond the scope of the Draft Permit.

Respectfully submitted,

Texas Commission on Environmental Quality

Zak Covar, P.G., Executive Director

Caroline Sweeney, Deputy Director
Office of Legal Services

Robert Martinez, Division Director
Environmental Law Division



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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

³ Tr. at 986, 988.

CERTIFICATE OF SERVICE

I certify that on this the 18th day of November 2013, a true and correct copy of the foregoing filing has been served upon all parties via electronic filing, electronic mail, fax, or regular mail with the original and seven copies delivered to the Office of the Chief Clerk:

THE HONORABLE ADMINISTRATIVE
LAW JUDGES:

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