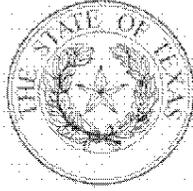


State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

June 9, 2016

Tucker Royall, 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. 582-15-2214; TCEQ Docket No. 2015-0068-IWD; Dos Republicas Coal Partnership, TPDES Permit No. WQ0003511000**

Dear Mr. Royall:

The parties have filed exceptions to the Proposal for Decision (PFD) issued on April 5, 2016. The Administrative Law Judges (ALJs) have reviewed the parties' exceptions. The exceptions from the Applicant, the Protestants, and the Office of Public Interest Counsel largely re-urge matters argued in their closing briefs. Essentially for the reasons set out in the PFD, the ALJs are not persuaded by these arguments and do not believe the PFD should be altered on the basis of those arguments. As for the Executive Director's (ED) exceptions, the ALJs stand by their conclusion that a boron limit corresponding with the one in the Railroad Commission of Texas permit should be added, that testing for aluminum should be required, and that it would be more protective to require four samples rather than one in Other Requirement No. 10. The ALJs recommend accepting most of the other exceptions from the ED.

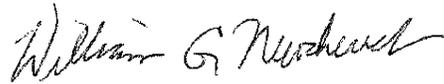
In particular, the ALJs recommend accepting the following exceptions from the ED, many of which reflect typographical errors: A (to Finding of Fact No. 14); B (to Finding of Fact No. 21); C (to Finding of Fact No. 24); D (to Finding of Fact No. 37); E (to Finding of Fact No. 40); F (to Finding of Fact No. 46); G (to Finding of Fact No. 58); H (to Finding of Fact No. 66); I (to Finding of Fact No. 74); J (to Finding of Fact No. 76); K (to Finding of Fact No. 80); L (to Finding of Fact No. 82); M (to Finding of Fact No. 84); N (to Finding of Fact No. 88); O (to Finding of Fact No. 97); Q (to Finding of Fact No. 115); R (to Finding of Fact No. 119); S (to Conclusion of Law No. 6); T (to Conclusion of Law No. 12 to reflect the citation of Texas Water Code § 5.754); and U (to Conclusion of Law No. 15, to delete the language relating to iron and

manganese and to chronic limits). The ALJs also recommend accepting the proposed changes to Ordering Provision No. 1 and deleting Ordering Provision No. 4. The ALJs recommend not accepting any other exceptions from the ED.

Sincerely,



Rebecca S. Smith
Administrative Law Judge



William g. Newchurch
Administrative Law Judge

RS/ls
cc: Mailing List

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STYLE/CASE: DOS REPUBLICAS COAL PARTNERSHIP
SOAH DOCKET NUMBER: 582-15-2214
REFERRING AGENCY CASE: 2015-0068-IWD

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ REBECCA SMITH**

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Liz Slick

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