

State Office of Administrative Hearings



Lesli G. Ginn
Chief Administrative Law Judge

July 25, 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. 582-15-4945; TCEQ Docket No. 2015-0563-MWD;
Application by Clear Lake City Water Authority for a Major Amendment to
TPDES Permit No. WQ0010539001**

Dear Mr. Royall:

On June 28, 2016, the Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) filed exceptions to the Proposal for Decision issued in this case. No party filed replies to those exceptions.

I believe the ED's exceptions should be granted, and that Finding of Fact No. 1 should reflect indicator bacteria of *E. coli*, not Enterococci, and that Ordering Provision No. 1a should read "the 5-day Biochemical Oxygen Demand parameter is replaced with 5-day Carbonaceous Biochemical Oxygen Demand on pages 2, 2b, and 2c."

The PFD is ready for your consideration.

Sincerely,



Rebecca S. Smith
Administrative Law Judge

cc: Mailing List

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE

**300 West 15th Street Suite 502
Austin, Texas 78701
Phone: (512) 475-4993
Fax: (512) 322-2061**

SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: CLEAR LAKE CITY WATER AUTHORITY
SOAH DOCKET NUMBER: 582-15-4945
REFERRING AGENCY CASE: 45240

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ REBECCA SMITH**

REPRESENTATIVE / ADDRESS

PARTIES

KATHY HUMPHREYS
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. BOX 13087, MC-175
AUSTIN, TX 78711-3087
(512) 239-3417 (PH)
(512) 239-0626 (FAX)
kathy.humphreys@tceq.texas.gov

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

ANGELA STEPHERSON
COATS ROSE
5420 LBJ FREEWAY, SUITE 600
DALLAS, TX 75240
(972) 982-8455 (PH)
(972) 982-8451 (FAX)
astepherson@coatsrose.com

CLEAR LAKE CITY WATER AUTHORITY

ELI MARTINEZ
PUBLIC INTEREST COUNSEL
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
12100 PARK 35 CIRCLE, MC-103, BUILDING F
AUSTIN, TX 78753
(512) 239-3974 (PH)
(512) 239-6377 (FAX)
eli.martinez@tceq.texas.gov

TCEQ PUBLIC INTEREST COUNSEL

MICHAEL PARR
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
MC-173 P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-0600 (PH)
(512) 239-0626 (FAX)
michael.parr@tceq.texas.gov

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TUCKER ROYALL
GENERAL COUNSEL
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. BOX 13087
AUSTIN, TX 78711-3087

(512) 239-5533 (FAX)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CAROLE HENNING
FRIEND OF THE OLD GOLF COURSE
15718 TORRY PINES RD.
HOUSTON, TX 77062
(832) 226-3526 (PH)
dancerclt@sbcglobal.net

FRIEND OF THE OLD GOLF COURSE

LEIGH BAXTER
2002 FAIRWIND RD.
HOUSTON, TX 77062
(281) 480-5469 (PH)
leighbaxter2@yahoo.com

LEIGH BAXTER

TOM REED
15923 DIANA LANE
HOUSTON, TX 77062
(281) 380-5097 (PH)
tom@hotmail.com

TOM REED

RAYMOND HALYARD
16204 DIANA LANE, #318A
HOUSTON, TX 77062
(281) 486-2050 (PH)
rjhalyard@academicplanet.com

RAYMOND HALYARD
