

FILED
582-22-1016
10/10/2022 10:38 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
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ACCEPTED
582-22-1016
10/10/2022 12:59:12 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

State Office of Administrative Hearings

Chief Administrative Law Judge

October 4, 2022

Mary Smith
General Counsel
Texas Commission on Environmental Quality
12100 Park 35 Circle, Bldg. F, Room 4225
Austin Texas 78753

Re: SOAH Docket No. 582-22-1016; Texas Commission on Environmental Quality No. 2021-1214-MWD; Application by AIR-W 2017-7 L.P. for TPDES Permit No. WQ0015878001

Dear Ms. Smith:

The undersigned Administrative Law Judges issued a proposal for decision in this matter. Afterward, the Commission's Executive Director (ED), Jonah Water Special Utility District (Jonah), and the City of Georgetown (City) filed exceptions, and AIR-W 2017-7 L.P. (AIRW) and Jonah filed replies. After considering the exceptions and the replies, the ALJs make the two minor revisions requested by the ED and Jonah and otherwise decline to make changes.

The ED requested a minor revision to Finding of Fact #3. The request has merit, and the finding is revised as requested:

3. The unclassified receiving water uses are limited aquatic life use for the unnamed tributary and Mankins Branch (intermittent with perennial pools), and high aquatic use life for Mankins Branch (perennial).

Jonah requested a minor revision to Finding of Fact #51. The request has merit, and the finding is revised as follows:

51. The proposed facility is partially within Jonah's district boundaries and wholly within Jonah's water CCN area.¹

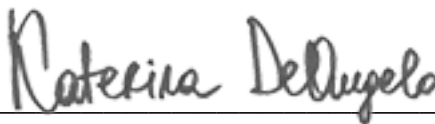
Although the City makes many arguments in its exceptions, these matters were already considered and rejected. The ALJs decline to further amend the proposal for decision. It is ready for consideration.

Sincerely,



Andrew Lutostanski

Presiding Administrative Law Judge



Katerina DeAngelo

Co-Presiding Administrative Law Judge

CC: Service List

¹ Jonah Ex. 6 at 5 (Whitney Dir.).

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Associated Case Party: Executive Director

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Bobby Salehi		bobby.salehi@tceq.texas.gov	10/10/2022 10:38:48 AM	SENT

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Case Contacts

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Helen Stovall Gilbert	786263	hgilbert@bartonbensonjones.com	10/10/2022 10:38:48 AM	SENT

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