

**SOAH DOCKET NO. 582-22-1016
TCEQ DOCKET NO. 2021-1214-MWD**

**APPLICATION BY AIRW 2017-7 L.P. § BEFORE THE STATE OFFICE
FOR § OF
TPDES PERMIT NO. WQ0015878001 § ADMINISTRATIVE HEARINGS**

**JONAH WATER SPECIAL UTILITY DISTRICT'S CORRECTIONS AND
EXCEPTIONS TO THE PROPOSAL FOR DECISION AND ORDER**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

COMES NOW, Jonah Water Special Utility District, Protestant in the above-referenced proceeding (“Jonah”), and files this its Corrections and Exceptions (“Corrections and Exceptions”) to the Proposal for Decision and Order (“Proposal for Decision”) entered by the Honorable Administrative Law Judges (“ALJs”) Lutostanksi and DeAngelo on August 23, 2022, proposing that the Texas Commission on Environmental Quality should issue the Draft Permit without alterations. Jonah agrees with the ALJs’ analysis and Proposal for Decision with only one correction regarding the location of the proposed Facility in relation to Jonah’s water CCN area. In support thereof, Jonah respectfully shows as follows:

I.

CORRECTIONS AND EXCEPTIONS

The proposed Facility is located entirely within Jonah’s water CCN area and partially within Jonah’s district boundaries.¹ While the Proposal for Decision finds that “. . . the Facility is within Jonah’s certificated water service area,”² Finding of Fact 51 later states that the Facility is located only partially within Jonah’s water CCN area. In order to have a clear record, Jonah respectfully requests that the Proposal for Decision be revised to correct Finding of Fact 51 to include language substantially similar to the following:

Corrected FOF 51. The proposed Facility and its discharge are partially within Jonah’s district boundaries and wholly within Jonah’s water CCN area.

¹ See Jonah Ex. JWSUD-6 at 3:2-3 (Revised Direct Testimony of Miles Whitney); *see also* Jonah Closing Argument at 5 (Jun. 14, 2022).

² Proposal for Decision and Order, at 30 (Aug. 23, 2022), *citing* Hearing Tr. at 579.

II.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Jonah respectfully requests that its Corrections and Exceptions to the Proposal for Decision be granted, and that the ALJs enter a corrected and revised Proposal for Decision and Order revising Finding of Fact No. 51.

Respectfully submitted,

By:  _____

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CERTIFICATE OF SERVICE

I hereby certify that I have served or will serve a true and correct copy of the foregoing document on all parties of record on this 12th day of September 2022, as follows:

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